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No. 53| NEW DELHI, DECEMBER 25-DECEMBER 31, 2011, SATURDAY/PAUSA 4-PAUSA 10, 1933

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

शुद्धि-पत्र

नई दिल्ली, 21 दिसम्बर, 2011

का.आ. 3777—दिनांक 24-11-2011 की इस विभाग के अंग्रेजी रूपान्तर में अधिसूचना सं. 228/53/2011-एवीडी-II की पांचवीं पंक्ति में दर्शाई गई संख्या "163" को "153" के रूप में पढ़ा जाए।

[फा. सं. 228/53/2011-एवीडी-II]

राजीव जैन, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

CORRIGENDUM

New Delhi, the 21st December, 2011

S.O.3777.—In the English version of this Department, Notification No. 228/53/2011-AVD-II dated 24-11-2011, the figure "163" appearing in the 5th line, may be read as "153".

[F. No. 228/53/2011-AVD-II]

RAJIV JAIN, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 19 दिसम्बर, 2011

का.आ.3778.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 9 के उप-खण्ड (1) और (2) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, केन्द्रीय सरकार, एतद्द्वारा, बैंक ऑफ महाराष्ट्र के वरिष्ठ प्रबंधक डॉ. सुनील उद्धवराव देशपांडे (जन्म तिथि 5-11-1960), को नियुक्ति की अधिसूचना की तारीख से तीन वर्षों की अवधि के लिए अथवा बैंक ऑफ महाराष्ट्र के अधिकारी के रूप में उनके पदभार छोड़ देने तक अथवा अगले आदेशों तक, इनमें से जो भी पहले हो, बैंक ऑफ महाराष्ट्र के निदेशक मण्डल में अधिकारी कर्मचारी निदेशक के रूप में नियुक्त करती है। उनकी यह नियुक्ति बैंक ऑफ महाराष्ट्र अथवा अन्य द्वारा दायर की गई एसएलपी/रिट याचिका/सिविल वाद (सूट) के अंतिम निर्यण के अध्यक्षीन की गई है।

[फा. सं. 6/14/2011-बीओ-I]

विजय मल्होत्रा, अवर सचिव

MINISTRY OF FINANCE
(Department of Financial Services)

New Delhi, the 19th December, 2011

S.O. 3778.—In exercise of the powers conferred by clause (f) of sub-section 3 of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) & (2) of Clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government after consultation with the Reserve Bank of India, hereby appoints Dr. Sunil Uddhavrao Deshpande (DoB : 5-11-1960), Sr. Manager, Bank of Maharashtra as Officer Employee Director on the Board of Directors of Bank of Maharashtra for a period of three years from the date of notification or until he ceases to be an officer of the Bank of Maharashtra or until further orders, whichever is the earliest subject to the final order in the pending SLP/Writ Petition/Civil Suit filed by Bank of Maharashtra or others.

[F. No. 6/14/2011-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 19 दिसम्बर, 2011

का.आ.3779.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 9 के उप-खण्ड (1) और (2) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खण्ड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, केन्द्रीय सरकार, एतद्द्वारा, युनाइटेड बैंक ऑफ इंडिया के प्रबंधक श्री पिजुष कान्ती घोष (जन्म तिथि : 1-1-1955) को नियुक्ति की अधिसूचना की तारीख से तीन वर्षों की अवधि के लिए अथवा युनाइटेड बैंक ऑफ इंडिया के अधिकारी के रूप में उनके पदभार छोड़ देने तक अथवा अगले आदेशों तक, जो भी पहले हो, युनाइटेड बैंक ऑफ इंडिया के निदेशक मण्डल में अधिकारी कर्मचारी निदेशक के रूप में नियुक्त करती है।

[फा. सं. 6/10/2011-बीओ-1]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 19th December, 2011

S.O. 3779.—In exercise of the powers conferred by clause (f) of sub-section 3 of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) & (2) of Clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government after consultation with the Reserve Bank of India, hereby appoints Shri Pijush Kanti Ghosh (DoB : 1-1-1955), Manager, United Bank of India, as Officer Employee Director on the Board of Directors of United Bank of India for a period of three years from the date of notification or until he ceases to be an officer of the United Bank of India or until further orders, whichever is the earliest.

[F. No. 6/10/2011-BO-I]

VIJAY MALHOTRA, Under Secy.

नई दिल्ली, 19 दिसम्बर, 2011

कर.आ. 3780.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 की धारा 7 की उप-धारा (2) के साथ पठित धारा 6 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करके, एतद्द्वारा, प्रो. मनोहर लाल शर्मा (जन्म तिथि: 12-6-1945) को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, राष्ट्रीय कृषि और ग्रामीण विकास बैंक (नाबार्ड) के निदेशक मंडल में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 7/4/2009-बीओ-1]

विजय मल्होत्रा, अवर सचिव

New Delhi, the 19th December, 2011

S.O. 3780.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 6 read with sub-section (2) of Section 7 of the National Bank for Agriculture and Rural Development Act, 1981, the Central Government, in consultation with Reserve Bank of India, hereby nominates Prof. Manohar Lal Sharma (DoB : 12.6.1945) as part-time non-official Director on the Board of Directors of National Bank for Agriculture and Rural Development (NABARD), for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 7/4/2009-BO-I]

VIJAY MALHOTRA, Under Secy.

मुख्य आयकर आयुक्त का कार्यालय

जोधपुर, 19 दिसम्बर, 2011

सं. 7/2011-12

का.आ.3781.—आयकर अधिनियम, 1961 (1961 का 43वां) की धारा 10(23ग) के खण्ड (via) के साथ पठित आयकर नियमावली-1962 के नियम 2ग ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जोधपुर एतद्द्वारा “परमसंत मस्ताना शाह बिलोचिस्तानी धर्मार्थ चिकित्सालय व शैक्षणिक न्यास चक 25 पी.एस. तहसील रायसिंह नगर, जिला श्रीगंगानगर (राज.) को उक्त धारा के प्रयोजनार्थ निर्धारण वर्ष 2010-2011 से आगे तक निम्नलिखित शर्तों के अधीन अनुमोदित करते हैं :-

1. कर निर्धारिती उसकी आय का प्रयोग अथवा उसकी आय का प्रयोग करने के लिए उसका संचयन पूर्णतः तथा अनन्यतः उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई। कर निर्धारिती न्यास द्वारा एक प्रतिबद्धता (अंडर टेकिंग) की गयी है कि संस्था का कार्य केवल चिकित्सा प्रसार ही होगा व इसके अलावा संस्था कोई कार्य नहीं करेगी। संस्था को यह सुनिश्चित करना है कि वह केवल चिकित्सा सेवा व पुनर्वास संबंधी कार्य करेगी।

2. कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेयर-जोहारियात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वीच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।
3. यह आदेश किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाष हो जब तक ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों।
4. कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा।
5. विघटन की स्थिति में इसकी अतिरिक्त राशियाँ और परिसंपत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी और उसका कोई भी भाग संस्थान के किसी सदस्य को नहीं दिया जाएगा।
6. आयकर अधिनियम की धारा 10(23ग) (via) के साथ पठित 115 खखग में परन्तुक 15 की शर्तों में अनाम दानों के सम्बन्ध में यह अनुमोदन लागू नहीं होगा।
7. यह अधिसूचना तब तक जारी रहेगी जब तक इसे वापस न लिया जाए।

[संदर्भ सं. मु.आ.आ./आ.अ.(तक)/जोध/2011-12]

दिलीप शिवपुरी, मुख्य आयकर आयुक्त

**OFFICE OF THE CHIEF COMMISSIONER OF
INCOME-TAX**

Jodhpur, the 19th December, 2011

No. 7/2011-12

S.O. 3781.—In exercise of the powers conferred by clause (vi) of Section 10(23C)(via) of the Income-Tax Act, 1961 (43 of 1961) read with rule 2CA of the Income Tax Rules, 1962, I, the Chief Commissioner of Income-Tax, Jodhpur hereby approve "Param Sant Mastana Shah Bilochistani Dharmarth Chikitsalya & Shaikshanik Nyas, Chak 25-PS, Raisinghnagar, Dist, Sriganganagar," for the purpose of the said Section for the assessment year 2010-11 onwards, subject to the following conditions:—

1. the assessee will apply its income, or accumulate for application wholly and exclusively to Medical purpose only. The assessee trust shall have to adhere to its under taking that the activities of the Institute shall be confined only to Medical purpose. The Institute shall do no other activity except medical attention or rehabilitation.
2. the assessee will not invest or deposit its funds (other than voluntary contribution received and

- maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in anyone or more of the forms or modes specified in sub-section (5) of Section 11;
3. this order will not apply in relation to any income being profits and gain of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
4. the assessee will regularly file its return of income before the income-tax authority in accordance with the provisions of Income-tax Act, 1961;
5. that in the event of dissolution, its surplus and the assets will be given to a charitable organization with similar objectives and no part of the same will go to any of the members of the institution.
6. The approval will not apply in relation to anonymous donations in terms of the fifteenth proviso to Section 10(23C)(via) r.w.s. 115BBC of the Act.
7. This notification will remain in force until it is withdrawn.

[Ref. No. CCIT/ITO (Tech.)/Ju/2011-12]

DILEEP SHIVPURI, Chief Commissioner of Income-tax

नई दिल्ली, 20 दिसम्बर, 2011

का.आ.3782.—जीवन बीमा निगम अधिनियम, 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय जीवन बीमा निगम के प्रबंध निदेशक श्री डी. के. महरोत्रा की भारतीय जीवन बीमा निगम के अध्यक्ष का अतिरिक्त पदभार व्यवस्था को 26-11-2011 से अगले 3 महीनों की अवधि के लिए अथवा अध्यक्ष के पद पर नियमित नियुक्ति होने तक अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[फा. सं. ए-15011/02/2010-बीमा-1]

ललित कुमार, निदेशक (बीमा)

New Delhi, the 20th December, 2011

S.O.3782.—In exercise of powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby extends additional charge arrangement of Chairman, Life Insurance Corporation of India to Shri D.K. Mehrotra, Managing Director, LIC for a further period of 3 months w.e.f. 26-11-2011 or till a regular Chairman is appointed or until further orders, whichever is the earliest.

[F. No. A-15011/02/2010-Ins.1]

LALIT KUMAR, Director (Insurance)

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

नई दिल्ली, 27 अक्टूबर, 2011

का.आ. 3783.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार, भारतीय दंत चिकित्सा परिषद् से परामर्श करके एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है नामतः :—

2. राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर, कर्नाटक द्वारा प्रदान की जा रही दंत चिकित्सा डिग्रियों की मान्यता के बारे में दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में श्यामला रेड्डी दंत कॉलेज, अस्पताल एवं अनुसंधान केन्द्र, बंगलौर, कर्नाटक के संबंध में क्रम संख्या 49 के XXVIII के समक्ष कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी नामतः :—

“पैडोडोन्टिक्स एवं प्रिवेन्टिव डेंटिस्ट्री एम डी एस (पैडो.)
(यदि दिनांक 17-5-2011 को राजीव गांधी स्वास्थ्य
अथवा उसके पश्चात् प्रदान की विज्ञान विश्वविद्यालय,
गई हो)। बंगलौर, कर्नाटक”

[फा. सं. वी. 12017/49/2006-डीई (भाग-I)]

अनिता त्रिपाठी, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 27th October, 2011

S.O.3783.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 & 3 against XXVIII of Serial No. 49, in respect of Dr. Syamala Reddy Dental College, Hospital & Research Centre, Bangalore, Karnataka, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka, the following entries shall be inserted thereunder :—

“Paedodontics & Preventive MDS (Paedo.), Rajiv Gandhi
Dentistry (if granted on or University of Health
after 17-5-2011) Sciences, Karnataka”

[F.No. V.12017/49/2006-DE (Pt-I)]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 31 अक्टूबर, 2011

का.आ.3784—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते

हुए भारत सरकार, भारतीय दंत चिकित्सा परिषद् से परामर्श करके एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है नामतः :—

2. अलीगढ़ मुस्लिम विश्वविद्यालय, अलीगढ़ द्वारा प्रदान की जा रही दंत चिकित्सा डिग्रियों की मान्यता के बारे में दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 59 के समक्ष कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी नामतः :—

“डा. जियाउद्दीन अहमद डेंटल कॉलेज, अलीगढ़ मुस्लिम विश्वविद्यालय, मास्टर ऑफ डेंटल सर्जरी

(i) कन्जरवेटिव डेंटिस्ट्री एवं एम डी एस (कन्ज. डेंटिस्ट्री)
एंडोडोन्टिक्स (यदि दिनांक अलीगढ़ मुस्लिम विश्वविद्यालय,
9-6-2011 को अथवा अलीगढ़
उसके पश्चात् प्रदान की
गई हो)।

(ii) आर्थोडोन्टिक्स एवं डेंटोफे- एम डी एस (ओर्थोडोन्टिक्स)
शियल आर्थोपेडिक्स अलीगढ़ मुस्लिम विश्वविद्यालय,
(यदि दिनांक 7-6-2011 अलीगढ़
को अथवा उसके पश्चात्
प्रदान की गई हो)।

(iii) पेरियोडोन्टिक्स एम डी एस (पेरियोडोन्टिक्स)
(यदि दिनांक 3-6-2011 अलीगढ़ मुस्लिम विश्वविद्यालय,
को अथवा उसके पश्चात् अलीगढ़”
प्रदान की गई हो)।

[फा. सं. वी. 12017/54/2006-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 31st October, 2011

S.O.3784.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 & 3 against Serial No. 59, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Aligarh Muslim University, Aligarh, the following entries shall be inserted thereunder :—

“Dr. Ziauddin Ahmad Dental College, Aligarh Muslim University

Master of Dental Surgery

(i) Conservative Dentistry MDS (Cons. Dentistry),
and Endodontics (if Aligarh Muslim
granted on or after University, Aligarh
9-6-2011)

- (ii) Orthodontics & Dentofacial Orthopedics (if granted on or after 7-6-2011) MDS (Orthodontics), Aligarh Muslim University, Aligarh
- (iii) Periodontics (if granted on or after 3-6-2011) MDS (Periodontics), Aligarh Muslim University, Aligarh

[F. No. V.12017/54/2006-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 31 अक्टूबर, 2011

का.आ.3785.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार, भारतीय दंत चिकित्सा परिषद् से परामर्श करके एतद्वारा उक्त अधिनियम की अनुसूची के भाग-1 में निम्नलिखित संशोधन करती है नामतः :—

2. राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर, कर्नाटक द्वारा प्रदान की जा रही दंत चिकित्सा डिग्रियों की मान्यता के बारे में दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-1 में एच. के. ई. निजालिंगप्पा दंत विज्ञान एवं अनुसंधान संस्थान, गुलबर्गा, कर्नाटक के संबंध में क्रम संख्या 49 के XVIII के समक्ष कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी नामतः :—

“ओर्थोडॉन्टिक्स एवं डेंटोफेशियल एम डी एस (ओर्थो.) राजीव आर्थोपेडिक्स (यदि दिनांक 24-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)।

कन्जरवेटिव डेंटिस्ट्री एवं एम डी एस (कन्जरवेटिव डेंट.) एंडोडॉन्टिक्स (यदि दिनांक 24-5-2011 को अथवा उसके पश्चात् प्रदान की गई हो)। राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बंगलौर”

[फा. सं. बी. 12017/4/2007-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 31st October, 2011

S.O.3785.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 & 3 against XVIII of Serial No. 49, in respect of HKE's Nijalingappa Institute of Dental Sciences & Research, Gulbarga, Karnataka, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded

by Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka, the following entries shall be inserted thereunder :—

“Orthodontics & Dentofacial MDS (Ortho.), Rajiv Gandhi Orthopedics (if granted on or after 24-5-2011) University of Health Sciences, Bangalore

Conservative Dentistry & Endodontics (if granted on or after 24-5-2011) MDS (Cons. Dent.), Rajiv Gandhi University of Health Sciences, Bangalore”

[F. No. V.12017/4/2007-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 31 अक्टूबर, 2011

का.आ.3786.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार, भारतीय दंत चिकित्सा परिषद् से परामर्श करके एतद्वारा उक्त अधिनियम की अनुसूची के भाग-1 में निम्नलिखित संशोधन करती है नामतः :—

2. दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-1 में निम्नलिखित क्रम संख्या एवं प्रविष्टियां अंतःस्थापित की जाएंगी : नामतः—

“102 निलाम्बर पीताम्बर वनांचल दंत कॉलेज एवं विश्वविद्यालय, पलामू अस्पताल, गढ़वा

(i) बैचलर ऑफ डेंटल सर्जरी बीडीएस, निलाम्बर पीताम्बर (यदि दिनांक 3-8-2011 को विश्वविद्यालय, पलामू”

अथवा उसके पश्चात् प्रदान की गई हो)।

[फा. सं. बी. 12017/26/2006-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 31st October, 2011

S.O.3786.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) after Serial No. 101, the following Serial number and entries shall be inserted, namely :—

“102 Nilamber Pitamber Vanachal Dental College & University, Palamu Hospital, Garhwa.

(i) Bachelor of Dental BDS, Nilamber Pitamber Surgery (if granted on or after 3-8-2011) University, Palamu.”

[F. No. V.12017/26/2006-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 31 अक्टूबर, 2011

का.आ.3787.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार, भारतीय दंत चिकित्सा परिषद् से परामर्श करके एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है नामतः :—

2. महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा प्रदान की जा रही दंत चिकित्सा डिग्रियों की मान्यता के बारे में दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में एम. ए. रंगूनवाला दंत विज्ञान कॉलेज एवं अनुसंधान केन्द्र, पुणे के संबंध में क्रम संख्या 60 के XVI के समक्ष कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी नामतः :—

“पैडोडोन्टिक्स एवं प्रिवेन्टिव डेंटिस्ट्री एम डी एस (पैडो.) महाराष्ट्र (यदि दिनांक 5-7-2011 को स्वास्थ्य विज्ञान विश्वविद्यालय, अथवा उसके पश्चात् प्रदान की नासिक” गई हो)।

[फा. सं. वी. 12017/19/2006-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 31st October, 2011

S.O.3787.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 & 3 against XVI of Serial No. 60, in respect of M. A. Rangoonwala College of Dental Sciences & Research Centre, Pune, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Maharashtra University of Health Sciences, Nashik, the following entries shall be inserted thereunder :—

“Paedodontics & Preventive MDS (Paedo), Maharashtra Dentistry (if granted on or after 5-7-2011) University of Health Sciences, Nashik”

[F.No. V.12017/19/2006-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 31 अक्टूबर, 2011

का.आ.3788.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार, भारतीय दंत चिकित्सा परिषद् से परामर्श करके एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है नामतः :—

2. उत्कल विश्वविद्यालय, भुवनेश्वर द्वारा प्रदान की जा रही दंत चिकित्सा डिग्रियों की मान्यता के बारे में दंत चिकित्सक अधिनियम,

1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 36 के समक्ष कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी नामतः :—

“VI एस. सी. बी. डेंटल कॉलेज एवं अस्पताल, कटक मास्टर ऑफ डेंटल सर्जरी

(i) पैडोडोन्टिक्स एवं प्रिवेन्टिव एम डी एस (पैडो.) डेंटिस्ट्री (यदि दिनांक उत्कल विश्वविद्यालय, 23-7-2011 को अथवा भुवनेश्वर उसके पश्चात् प्रदान की गई हो)।

(ii) ओरल एवं मैक्सिलोफेशियल एम डी एस (ओरल एवं मैक्स सर्जरी (यदि दिनांक सर्जरी) उत्कल विश्वविद्यालय, 26-7-2011 को अथवा भुवनेश्वर” उसके पश्चात् प्रदान की गई हो)।

[फा. सं. वी. 12017/55/2006-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 31st October, 2011

S.O.3788.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 & 3 against Serial No. 36, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Utkal University, Bhubaneswar, the following entries shall be inserted thereunder :—

“VI. S. C. B. Dental College & Hospital, Cuttack.

Master of Dental Surgery

(i) Paedodontics and Preventive Dentistry (if granted on or after 23-7-2011) MDS (Paedodontics), Utkal University, Bhubaneswar

(ii) Oral & Maxillofacial Surgery (if granted on or after 26-7-2011) MDS (Oral & Max. Surgery), Utkal University, Bhubaneswar”

[F.No. V.12017/55/2006-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 23 नवम्बर, 2011

का.आ.3789.—केन्द्र सरकार, दंतक चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद, एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है नामतः :—

2. एचएनबी गढ़वाल विश्वविद्यालय, श्रीनगर द्वारा प्रदान की गई दंत चिकित्सक डिग्रियों मान्यता से सम्बंधित दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I के संबंध में क्रम संख्या 74 के सामने कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएगी नामतः :—

“II उत्तरांचल दंत चिकित्सा एवं चिकित्सा अनुसंधान संस्थान, देहरादून

(ii) बैचलर ऑफ डेंटल सर्जरी बीडीएस, एचएनबी गढ़वाल, (यदि दिनांक 5-10-2011 विश्वविद्यालय, श्रीनगर” को या उसके पश्चात् प्रदान की गई हो)।

[फा. सं. वी. 12017/11/2004-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 23rd November, 2011

S.O.3789.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 & 3 against Serial No. 74, in part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by H.N.B. Garhwal University, Srinagar, the following entries shall be inserted thereunder :—

“II Uttarakhand Dental & Medical Research Institute Dehradun

(ii) Bachelor of Dental Surgery (if granted on or after 5-10-2011) BDS, H.N.B. Garhwal University, Srinagar”

[F. No. V. 12017/11/2004-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 23 नवम्बर, 2011

का.आ.3790.—केन्द्र सरकार, दंतक चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद, एतद्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है नामतः

2. देवी अहिल्या विश्वविद्यालय, इंदौर (मध्य प्रदेश) द्वारा प्रदान की गई दंत चिकित्सक डिग्रियों मान्यता से सम्बंधित दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I के संबंध में क्रम संख्या 26 के सामने कॉलम 2 एवं 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएगी नामतः

“IV गुरु गोबिंद सिंह दंत चिकित्सा विज्ञान एवं अनुसंधान केन्द्र, बुरहानपुर

(i) बैचलर ऑफ डेंटल सर्जरी बीडीएस, देवी अहिल्या (यदि दिनांक 12-3-2011 विश्वविद्यालय, इंदौर” को या उसके पश्चात् प्रदान की गई हो)।

[फा. सं. वी. 12017/37/2000-डी ई]

अनिता त्रिपाठी, अवर सचिव

New Delhi, the 23rd November, 2011

S.O.3790.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of columns 2 & 3 against Serial No. 26, in part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Devi Ahilya Vishwavidyalaya, Indore (Madhya Pradesh), the following entries shall be inserted thereunder :—

“IV Guru Gobind Singh College of Dental Sciences & Research Centre, Burhanpur

(i) Bachelor of Dental Surgery (if granted on or after 12-3-2011) BDS, Devi Ahilya Vishwavidyalaya, Indore”

[F. No. V. 12017/37/2000-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 14 दिसम्बर, 2011

का.आ.3791.—केन्द्रीय सरकार, भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 12 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद उक्त अधिनियम की द्वितीय अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है नामतः

2. उक्त अनुसूची में, वी.पी. कोइराला स्वास्थ्य विज्ञान संस्थान, धरन, नेपाल के समक्ष उपाधि (टाइटल) शीर्षकों के अंतर्गत नेपाल शीर्ष के तहत, [इसके बाद जैसा कि कॉलम (2) में संदर्भित है] डिप्लोमा में यथा उल्लिखित अर्हता की प्रकृति [इसके बाद जैसा कि कॉलम (3) में संदर्भित है] और साक्षिप्त रूप [इसके बाद जैसा कि कॉलम (4) में संदर्भित है] के पश्चात् अंतिम प्रविष्टि और उससे संबंधित प्रविष्टि के बाद निम्नलिखित प्रविष्टियों को अंतर्विष्ट किया जाएगा, नामतः

(2)	(3)	(4)
"एम डी (मनो-चिकित्सा)"	"डाक्टर ऑफ मेडिसिन (मनो-चिकित्सा)"	बीपीके आईएचएस, धरन, नेपाल [बी.पी. कोइराला स्वास्थ्य विज्ञान संस्थान, धरन, नेपाल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में बी.पी. कोइराला स्वास्थ्य विज्ञान संस्थान, धरन, नेपाल (मानद विश्वविद्यालय) द्वारा वर्ष 2003 में या इसके बाद प्रदान की गई चिकित्सा अर्हता मान्यता प्राप्त होगी]

[सं. वी. 11015/1/2011-एम ई (पी-1)]

ध्रुव चक्रवर्ती, अवर सचिव

सभी के लिए टिप्पणी :

1. प्रवेशों की संख्या प्रति वर्ष में एक विद्यार्थी तक सीमित कर दी गई है।
2. स्नातकोत्तर पाठ्यक्रम को प्रदान की गई ऐसी मान्यता की अधिकतम अवधि 5 वर्षों के लिए होगी जिसके उपरांत इसका नवीकरण कराना होगा।
3. उप खण्ड 4 की आवश्यकता के अनुसार मान्यता के समय पर नवीकरण में विफल होने के परिणामस्वरूप, संबंधित स्नातकोत्तर पाठ्यक्रम में प्रवेश अनिवार्य रूप से बंद हो जाएंगे।

New Delhi, the 14th December, 2011

S.O.3791.—In exercise of the powers conferred by sub-section (2) of Section 12 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the Second Schedule to the said Act, namely :—

In the said Schedule under the heading "Nepal"-against "B.P. Koirala Institute of Health Sciences, Dharan, Nepal", under the heading 'Title' [hereinafter referred to as column (2)], 'Nature of qualifications as stated in diploma' [hereinafter referred to as column (3)] and "Abbreviation" [hereinafter referred to as column (4)], after the last entry and entry relating thereto, the following shall be inserted, namely :—

(2)	(3)	(4)
"MD (Psy-chiatry)"	"Doctor of Medicine (Psychiatry)"	B.P. Koirala Institute of Health Sciences, Dharan, Nepal [This shall be a recognised Qualification when granted by B.P. Koirala, Institute of Health

(4)
Sciences, Dharan, Nepal (Deemed University) in respect of students being trained at B.P. Koirala Institute of Health Sciences, Dharan, Nepal on or after 2003]

[No. V. 11015/1/2011-ME (P-I)]

DHRUV CHAKRAVARTY, Under Secy.

Note to all :

1. The number of admissions are restricted to Two students per year.
2. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.
3. Failure to seek timely renewal of recognition as required in sub-clause-4 shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

नई दिल्ली, 14 दिसम्बर, 2011

का.आ.3792.—केन्द्रीय सरकार, भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 12 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के बाद उक्त अधिनियम की द्वितीय अनुसूची में एतद्द्वारा निम्नलिखित और संशोधन करती है नामतः:

2. उक्त अनुसूची में, बी.पी. कोइराला स्वास्थ्य विज्ञान संस्थान, धरन, नेपाल के समक्ष उपाधि (टाइटल) शीर्षकों के अंतर्गत नेपाल शीर्ष के तहत, [इसके बाद जैसा कि कॉलम (2) में संदर्भित है] डिप्लोमा में यथा उल्लिखित अर्हता की प्रकृति [इसके बाद जैसा कि कॉलम (3) में संदर्भित है] और संक्षिप्त रूप [इसके बाद जैसा कि कॉलम (4) में संदर्भित है] के पश्चात् अंतिम प्रविष्टि और उससे संबंधित प्रविष्टि के बाद निम्नलिखित प्रविष्टियों को अंतर्विष्ट किया जाएगा, नामतः:

(2)	(3)	(4)
"एम डी (फार्मा-कोलॉजी)"	"डाक्टर ऑफ मेडिसिन (फार्मा-कोलॉजी)"	बीपीके आईएचएस, धरन, नेपाल [बी.पी. कोइराला स्वास्थ्य विज्ञान संस्थान, धरन, नेपाल में प्रशिक्षित किए जा रहे विद्यार्थियों के संबंध में बी.पी. कोइराला स्वास्थ्य विज्ञान संस्थान, धरन, नेपाल (मानद विश्वविद्यालय) द्वारा वर्ष 2002 में या इसके बाद प्रदान की गई चिकित्सा अर्हता मान्यता प्राप्त होगी]

[सं. वी. 11015/1/2011-एम ई (पी-1)]

ध्रुव चक्रवर्ती, अवर सचिव

सभी के लिए टिप्पणी :

1. प्रवेशों की संख्या प्रति वर्ष में एक विद्यार्थी तक सीमित कर दी गई है।

2. स्नातकोत्तर पाठ्यक्रम को प्रदान की गई ऐसी मान्यता की अधिकतम अवधि 5 वर्षों के लिए होगी जिसके उपरान्त इसका नवीकरण कराना होगा।
3. उप खण्ड 4 की आवश्यकता के अनुसार मान्यता के समय पर नवीकरण में विफल होने के परिणामस्वरूप, संबंधित स्नातकोत्तर पाठ्यक्रम में प्रवेश अनिवार्य रूप से बंद हो जाएंगे।

New Delhi, the 14th December, 2011

S.O.3792.—In exercise of the powers conferred by sub-section (2) of Section 12 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the Second Schedule to the said Act, namely :—

In the said Schedule under the heading “Nepal”-against “B.P. Koirala Institute of Health Sciences, Dharan, Nepal”, under the heading ‘Title’ [hereinafter referred to as column (2)], ‘Nature of qualifications as stated in diploma’ [hereinafter referred to as column (3)] and “Abbreviation” [hereinafter referred to as column (4)], after the last entry and entry relating thereto, the following shall be inserted, namely :—

(2)	(3)	(4)
“MD (Pharma- cology)”	“Doctor of Medicine (Pharmacology)”	B.P. Koirala Institute of Health Sciences, Dharan, Nepal [This shall be a recognised Qualification when granted by B.P. Koirala, Institute of Health Sciences, Dharan, Nepal (Deemed University) in respect of students being trained at B.P. Koirala Institute of Health Sciences, Dharan, Nepal on or after 2002]

[No. V. 11015/1/2011-ME (P-I)]

DHRUV CHAKRAVARTY, Under Secy.

Note to all :

1. The number of admissions are restricted to One students per year.
2. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.
3. Failure to seek timely renewal of recognition as required in sub-clause-4 shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

विदेश मंत्रालय

(सीपीबी प्रभाग)

नई दिल्ली, 19 दिसम्बर, 2011

का.आ.3793.—राजनयिक और कौंसलीय ऑफिसर (शपथ और फीस) के अधिनियम, 1948 की धारा 2 के खण्ड (क) के अनुसरण

में, केन्द्र सरकार एतद्वारा श्री अनुराग सहचारी को 16-12-2011 से भारत के कौंसलावास, टॉरन्टो में उपाध्यक्ष वाणिज्य दूत (ओ.सी.आई) के कर्तव्यों का पालन करने के लिए प्राधिकृत करती है।

[सं. टी. 4330/1/2006]

आर. के. पेरिन्डिया, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 19th December, 2011

S.O.3793.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorize Shri Anurag, Attache, Consulate General of India, Toronto to perform the duties of Vice Consul (OCI) with effect from 16th December, 2011.

[No. T. 4330/01/2006]

R. K. PERINDIA, Under Secy. (Consular)

वाणिज्य और उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 15 दिसम्बर, 2011

का.आ.3794.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उपनियम (2) के साथ पठित निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मित्रा एस. के. प्राइवेट लि. एस 2 - एस 5, सीआईटीआई सेंटर, दूसरा तल, स्वतंत्र पथ, वास्को दा गामा, गोआ - 403 802 को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20 दिसम्बर, 1965 के साथ उपाबद्ध अनुसूची में विनिर्दिष्ट खनिज और अयस्क समूह - 1 अर्थात् लौह अयस्क का निम्नलिखित शर्तों के अधीन रहते हुए, उक्त खनिजों और अयस्कों के निर्यात से पूर्व गोआ में निरीक्षण करने के लिए अधिकरण के रूप में मान्यता प्रदान करती है, अर्थात् :—

- (i) मैसर्स मित्रा एस. के. प्राइवेट लि., एस 2 - एस 5, सीआईटीआई सेंटर, दूसरा तल, स्वतंत्र पथ, वास्को दा गामा, गोआ - 403 802 खनिजों और अयस्कों, समूह 1 का निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण का प्रमाण-पत्र अनुदत्त करने के लिए उनके द्वारा अनुसरण की गई निरीक्षण की पद्धति की परीक्षा करने के लिए, इस निमित्त निर्यात निरीक्षण परिषद् द्वारा नामनिर्दिष्ट अधिकारियों को पर्याप्त सुविधाएं देगा ; और

- (ii) मैसर्स मित्रा एस. के. प्राइवेट लि. एस-2 एस 5, सीआईटीआई सेंटर, दूसरा तल, स्वतंत्र पथ, वास्को दा गामा, गोआ - 403 802 इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निदेशों द्वारा आबद्ध होगा, जो निदेशक (निरीक्षण और क्वालिटी नियंत्रण) निर्यात निरीक्षण परिषद् द्वारा समय-समय पर लिखित में दिए जाएं।

[फा. सं. 4/9/2011-निर्यात निरीक्षण]

डी. एस. डेसी, संयुक्त सचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 15th December, 2011

S.O. 3794.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s Mitra S.K. Pvt. Ltd. located at S 2 - S 5, CITI Centre, 2nd Floor, Swatantra Path, Vasco da Gama, Goa-403 802, as an agency for a period of three years from the date of publication of this notification, for the inspection of Minerals and Ores Group-I, namely, Iron Ore, specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce number S.O. 3975, dated 20th December, 1965, prior to export of the said Minerals and Ores at Goa, subject to the following conditions, namely:—

- (i) that M/s Mitra S.K. Pvt. Ltd., S 2 - S 5, CITI Centre, 2nd Floor, Swatantra Path, Vasco da Gama, Goa-403 802, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores. Group-I (Inspection) Rules, 1965; and
- (ii) that M/s Mitra S.K. Pvt. Ltd., S 2 - S 5, CITI Centre, 2nd Floor, Swatantra Path, Vasco da Gama, Goa-403 802, in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F. No. 4/9/2011-Export Inspection]

D.S. DHESI, It. Secy.

नई दिल्ली, 21 दिसम्बर, 2011

का.आ.3795.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उपनियम (2) के साथ पठित निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स थैराप्यूटिक्स केमिकल रिसर्ज कार्पोरेशन, 26-8-69, राजा राम मोहन राय रोड, विशाखापत्तनम- 530 001 को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए, वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20 दिसम्बर, 1965 के साथ उपाबद्ध अनुसूची में विनिर्दिष्ट खनिज और अयस्क समूह - I अर्थात् लौह अयस्क के निम्नलिखित शर्तों के अधीन खनिजों और अयस्कों के निर्यात से पूर्व विशाखापत्तनम में निरीक्षण करने के लिए एक अधिकरण के रूप में मान्यता प्रदान करती है, अर्थात् :-

- (i) मैसर्स थैराप्यूटिक्स केमिकल रिसर्ज कार्पोरेशन, विशाखापत्तनम खनिज और अयस्क समूह - I (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण का प्रमाण पत्र अनुदत्त करने के लिए उनके द्वारा अपनाई गई पद्धति की परीक्षा करने के लिए, इस निमित्त निर्यात निरीक्षण परिषद् द्वारा नाम निर्देशित अधिकारियों को पर्याप्त सुविधाएं देगा; और
- (ii) मैसर्स थैराप्यूटिक्स केमिकल रिसर्ज कार्पोरेशन, विशाखापत्तनम इस अधिसूचना के अधीन अपने कृत्यों के अनुपालन में ऐसे निदेशों द्वारा आबद्ध होंगे, जो निदेशक (निरीक्षण और क्वालिटी नियंत्रण), निर्यात निरीक्षण परिषद् द्वारा समय-समय पर लिखित में दिए जाएं।

[फा. सं. 4/8/2011-निर्यात निरीक्षण]

डी. एस. डेसी, संयुक्त सचिव

New Delhi, the 21st December, 2011

S.O. 3795.—In exercise of the powers conferred by the sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises, M/s Therapeutics Chemical Research Corporation located at 26-8-69, Raja Ram Mohan Roy Road, Visakhapatnam-530 001, as an agency for a period of three years from the date of publication of this notification, for the inspection of Minerals and Ores Group-I, namely, Iron Ore, specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce number S.O. 3975, dated 20th December, 1965, prior to export of the said Minerals

and Ores, at Visakhapatnam, subject to the following conditions, namely: —

- (i) that M/s. Therapeutics Chemical Research Corporation, Visakhapatnam, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores, Group-I (Inspection) Rules, 1965; and
- (ii) that M/s. Therapeutics Chemical Research Corporation, Visakhapatnam, in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F. No. 4/8/2011-Export Inspection]

D.S. DHESI, Jt. Secy.

नई दिल्ली, 21 दिसम्बर, 2011

का.आ.3796 .—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उपनियम (2) के साथ पठित निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जनरल इंस्पेक्शन और सैम्पलिंग कम्पनी, अवस्थिति प्लॉट नं. आर-11, इंडस्ट्रियल इस्टेट, डाम रोड, होस्पेट-583 203 को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए, वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20 दिसम्बर, 1965 के साथ उपाबद्ध अनुसूची में विनिर्दिष्ट खनिज और अयस्क समूह - I अर्थात् लौह अयस्क के निम्नलिखित शर्तों के अधीन खनिजों और अयस्कों के निर्यात से पूर्व विशाखापत्तनम में निरीक्षण करने के लिए एक अधिकरण के रूप में मान्यता प्रदान करती है, अर्थात् :-

- (i) मैसर्स जनरल इंस्पेक्शन और सैम्पलिंग कम्पनी, प्लॉट नं. आर-11, इंडस्ट्रियल इस्टेट, डाम रोड, होस्पेट-583 203 खनिज तथा अयस्क, ग्रुप - I का निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अंतर्गत "निरीक्षण का प्रमाणपत्र" देने के लिए उनके द्वारा अनुसरण की गई पद्धति का परीक्षण करने के लिए, इस संबंध में निर्यात निरीक्षण परिषद द्वारा नामनिर्देशित अधिकारियों को पर्याप्त सुविधाएं देगी ;
- (ii) मैसर्स जनरल इंस्पेक्शन और सैम्पलिंग कम्पनी, प्लॉट नं. आर - 11, इंडस्ट्रियल इस्टेट, डाम रोड, होस्पेट - 583

203 इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निदेशों से आबद्ध होंगे जो निदेशक (निरीक्षण और क्वालिटी नियंत्रण) द्वारा समय-समय पर लिखित में दिए जाएं ।

[फा. सं. 4/10/2011 - निर्यात निरीक्षण]

डी. एस. डेसी, संयुक्त सचिव

New Delhi, the 21st December, 2011

S.O.3796.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises, for a period of three years from the date of publication of this notification, M/s. General Inspection & Sampling Co. located at Plot No. R-11, Industrial Estate, Dam Road, Hospet - 583 203, as an Agency for the inspection of Minerals and Ores - Group I, namely, Iron Ore, specified in the Schedule annexed to the Ministry of Commerce notification number S.O. 3975, dated the 20th December, 1965, prior to export of aforesaid minerals and ores at Hospet, subject to the following conditions, namely:—

- (i) M/s General Inspection & Sampling Co., Plot No. R-11, Industrial Estate, Dam Road, Hospet - 583 203, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the "Certificate of Inspection" under rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965;
- (ii) M/s General Inspection & Sampling Co., Plot No. R-11, Industrial Estate, Dam Road, Hospet - 583 203, in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 4/10/2011-Export Inspection]

D.S. DHESI, Jt. Secy.

नई दिल्ली, 21 दिसम्बर, 2011

का.आ.3797.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उपनियम (2) के साथ पठित निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इन्स्पेक्टेड ग्रिफ्थ इंडिया प्राइवेट लि. अवस्थिति आर - 26, इंडस्ट्रियल इस्टेट, डाम रोड, होस्पेट-583 203

को 25 नवम्बर, 2011 से प्रभावी आगामी तीन वर्षों की अवधि के लिए, वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20 दिसम्बर, 1965 से उपाबद्ध अनुसूची में यथाविनिर्दिष्ट खनिजों और अयस्कों समूह - I अर्थात् लौह अयस्क का निम्नलिखित शर्तों के अधीन रहते हुए, उक्त खनिजों और अयस्कों का होस्पेट में, निर्यात से पूर्व निरीक्षण करने के लिए एक अधिकरण के रूप में मान्यता प्रदान करती है, अर्थात् :-

- (i) मैसर्स इन्स्पेक्टोरेट ग्रिफ्थ इंडिया प्राइवेट लि., आर - 26, इंडस्ट्रियल इस्टेट, डाम रोड होस्पेट - 583 203, खनिज और अयस्क, समूह - I का निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण का प्रमाण पत्र देने के लिए उनके द्वारा अपनाई गई निरीक्षण की पद्धति की जांच करने के लिए इस निमित्त निर्यात निरीक्षण परिषद् द्वारा नामनिर्दिष्ट अधिकारियों को पर्याप्त सुविधाएं देगी ;
- (ii) मैसर्स इन्स्पेक्टोरेट ग्रिफ्थ इंडिया प्राइवेट लि., आर - 26, इंडस्ट्रियल इस्टेट, डाम रोड, होस्पेट - 583 203, इस अधिसूचना के अधीन अपने कृत्यों के पालन में निदेशक (निरीक्षण और क्वालिटी नियंत्रण) द्वारा समय-समय पर लिखित रूप में दिए गये निदेशों से आबद्ध होंगे।

[फा. सं. 4/11/2011 - निर्यात निरीक्षण]

डी. एस. डेसी, संयुक्त सचिव

New Delhi, the 21st December, 2011

S.O.3797.—In exercise of the powers conferred by the sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises, for a further period of three years with effect from the 25th November, 2011, M/s. Inspectorate Griffith India Pvt. Ltd. located at R-26, Industrial Estate, Dam Road, Hospet - 583 203, as an Agency for the inspection of Minerals and Ores Group-I, namely, Iron Ore, specified in the Schedule annexed to the Ministry of Commerce notification number S.O. 3975, dated the 20th December, 1965, prior to export of aforesaid minerals and ores at Hospet, subject to the following conditions, namely:—

- (i) M/s. Inspectorate Griffith India Pvt. Ltd., R-26, Industrial Estate, Dam Road, Hospet - 583203, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the "Certificate of Inspection" under rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965;

(ii) M/s. Inspectorate Griffith India Pvt. Ltd., R-26, Industrial Estate, Dam Road, Hospet - 583 203, in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 4/11/2011-Export Inspection]

D.S. DHESI, Jt. Secy.

नई दिल्ली, 21 दिसम्बर, 2011

का.आ.3798.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12 के उपनियम (2) के साथ पठित, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एस. जी. एस. इंडिया प्राइवेट लिमिटेड, 1/509 ए. ओल्ड महाबलीपुरम रोड, गर्वनमेंट स्कूल के सामने, तुराईपक्कम, चैन्नई - 600 097 को इस अधिसूचना के प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का.आ. 3975 तारीख 20 दिसम्बर, 1965 और का.आ. 3978, तारीख 20 दिसम्बर, 1965 से क्रमशः उपाबद्ध अनुसूची में यथाविनिर्दिष्ट खनिज और अयस्क समूह - I अर्थात् लौह अयस्क और समूह - II अर्थात् बैराइट्स का निम्नलिखित शर्तों के अधीन रहते हुए, उक्त खनिजों और अयस्कों का चैन्नई में, निर्यात से पूर्व निरीक्षण करने के लिए एक अधिकरण के रूप में मान्यता देती है, अर्थात् :-

- (i) मैसर्स एस.जी.एस. इंडिया प्राइवेट लिमिटेड, 1/509 ए. ओल्ड महाबलीपुरम रोड, गर्वनमेंट स्कूल के सामने, तुराईपक्कम, चैन्नई - 600 097 खनिज तथा अयस्क समूह -I का निर्यात (निरीक्षण) नियम, 1965 खनिज और अयस्क समूह -II का निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण का प्रमाण पत्र देने में उनके द्वारा अनुसरण की गई पद्धति का परीक्षण करने के लिए, इस निमित्त निर्यात निरीक्षण परिषद् द्वारा नामनिर्दिष्ट अधिकारियों को पर्याप्त सुविधाएं देगी ;
- (ii) मैसर्स एस. जी. एस. इंडिया प्राइवेट लिमिटेड, 1/509 ए. ओल्ड महाबलीपुरम रोड, गर्वनमेंट स्कूल के सामने, तुराईपक्कम, चैन्नई - 600 097 इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निदेशों से आबद्ध होंगे जो निदेशक (निरीक्षण और क्वालिटी नियंत्रण) द्वारा समय-समय पर लिखित रूप में दिए जाएं।

[फा. सं. 4/12/2011-निर्यात निरीक्षण]

डी. एस. डेसी, संयुक्त सचिव

New Delhi, the 21st December, 2011

S.O.3798.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s. SGS India Private Ltd. located at 1/509A, Old Mahabalipuram Road, Opposite Government School, Thuraipakkam, Chennai-600 097, as an Agency for a period of three years from the date of publication of this notification for the inspection of Minerals and Ores Group-I, namely, Iron Ore, and Group-II, namely, Barytes, specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce numbers S.O. 3975, dated the 20th December, 1965 and S.O. 3978, dated the 20th December, 1965 respectively, prior to the export of the said Minerals and Ores, at Chennai, subject to the following conditions, namely:—

- (i) M/s. SGS India Private Ltd., 1/509A, Old Mahabalipuram Road, Opposite Government School, Thuraipakkam, Chennai-600 097, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores, Group-I (Inspection) Rules, 1965 and the Export of Minerals and Ores, Group-II (Inspection) Rules 1965;
- (ii) M/s. SGS India Private Ltd., 1/509A, Old Mahabalipuram Road, Opposite Government School, Thuraipakkam, Chennai-600097 in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F. No. 4/12/2011-Export Inspection]

D.S. DHESI, Jt. Secy.

खस्र मंत्रालय

नई दिल्ली, 16 दिसम्बर, 2011

का.आ. 3799.—केन्द्रीय सरकार, संघ के शासकीय प्रयोजनों के लिए राजभाषा नियम 1976 के नियम 10 के उपनियम 4 के अनुसरण में, वस्त्र मंत्रालय के अंतर्गत आने वाले निम्नलिखित कार्यालय को जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :-

1. मूगा कच्चा माल बैंक, केंद्रीय रेशम बोर्ड, रंगघर चारिआलि, ए.टी. रोड, शिवसागर-785 640 (असम)

[सं. ई. 11016/1/2011-हिंदी]

सुनयना तोमर, संयुक्त सचिव

MINISTRY OF TEXTILES

New Delhi, the 16th December, 2011

S.O.3799.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies the following office of the Ministry of Textiles, more than 80% staff whereof have acquired working knowledge of Hindi :

1. Muga Raw Material Bank, Central Silk Board, Ranghar Chariali, A. T. Road, Sivasagar—785 640, (Assam).

[No. E. 11016/1/2011-Hindi]

SUNAINA TOMAR, Jt. Secy.

मानव संसाधन विकास मंत्रालय

(उच्चतर शिक्षा विभाग)

(राजभाषा यूनिट)

नई दिल्ली, 15 दिसम्बर, 2011

का.आ.3800.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम 4 के अनुसरण में, मानव संसाधन विकास मंत्रालय (उच्चतर शिक्षा विभाग) के अंतर्गत राष्ट्रीय प्रौद्योगिकी संस्थान, कुरुक्षेत्र को, ऐसे कार्यालय के रूप में, जिसके 80 प्रतिशत से अधिक कर्मचारी-वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. 11011-1/2011-रा.भा.ए.]

अनन्त कुमार सिंह, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Higher Education)

(O.L. UNIT)

New Delhi, the 15th December, 2011

S.O.3800.—In pursuance of sub rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies **National Institute of Technology, Kurukshetra** under the Ministry of Human Resource Development, (Deptt. of Higher Education) as office, whose more than 80% members of the staff have acquired working knowledge of Hindi.

[No. 11011-1/2011-O.L.U.]

ANANT KUMAR SINGH, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 12 सितम्बर, 2011

का.आ.3801.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स वासवी स्केल, 105, एन 71, निनिअप्पा निकेम स्ट्रीट, पार्क टाउन, चेन्नै-3 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-11) वाले "एस वी जे" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "श्री वासवी" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/514 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है सत्यापन मापमान अन्तराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर रीसेटिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(312)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 12th September, 2011

S.O. 3801.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of series "SVJ" and with brand name "SHRI VASAVI" (hereinafter referred to as the said Model), manufactured by M/s. Vasavi Scales, # 105, N # 71, Nyniyappa Naicken Street, Park Town. Cheenai-3 and which is assigned the approval mark IND/09/10/514;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

Figure-1 Model



Figure-2 Schematic Diagram of the sealing provision of the Model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 100,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(312)/2010]

B. N. DIXIT, Director of Legal Metrology

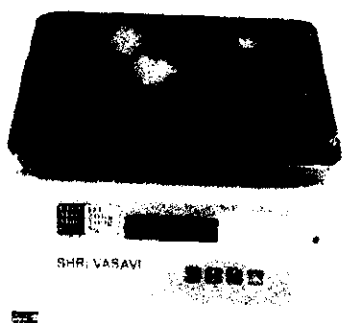
नई दिल्ली, 12 सितम्बर, 2011

का.आ.3802.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स वासवी स्केल, 105, एन 71, निनिअप्पा निकेन स्ट्रीट, पार्क टाउन, चेन्नै-3 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एस वी टी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “श्री वासवी” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/515 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाडी में से सीलिंग वायर निकाल कर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(312)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th September, 2011

S.O.3802.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "SVT" and with brand name "SHRI VASAVI" (hereinafter referred to as the said model), manufactured by M/s. Vasavi Scales, # 105, N # 71, Nyniyappa Naicken Street, Park Town, Chennai-3 and which is assigned the approval mark IND/09/10/515;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

Figure-1 Model

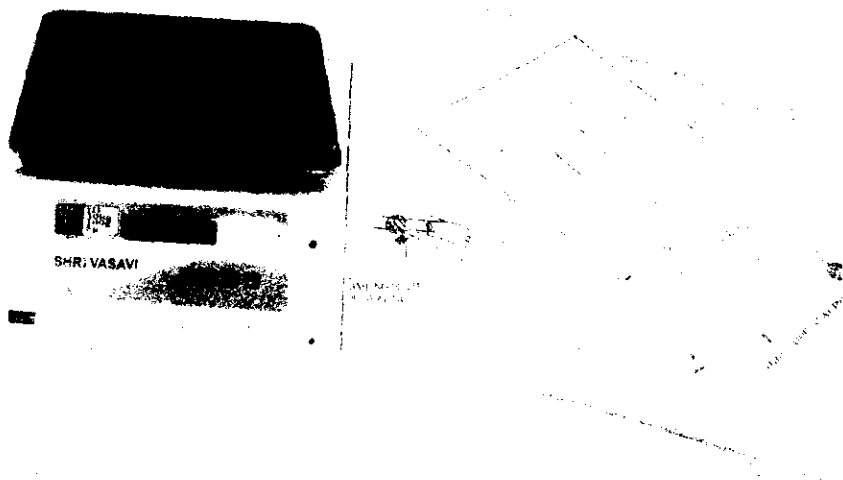


Figure-2 Schematic Diagram of the sealing provision of the Model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 1mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21(312)/2010]

B. N. DIXIT, Director of Legal Metrology

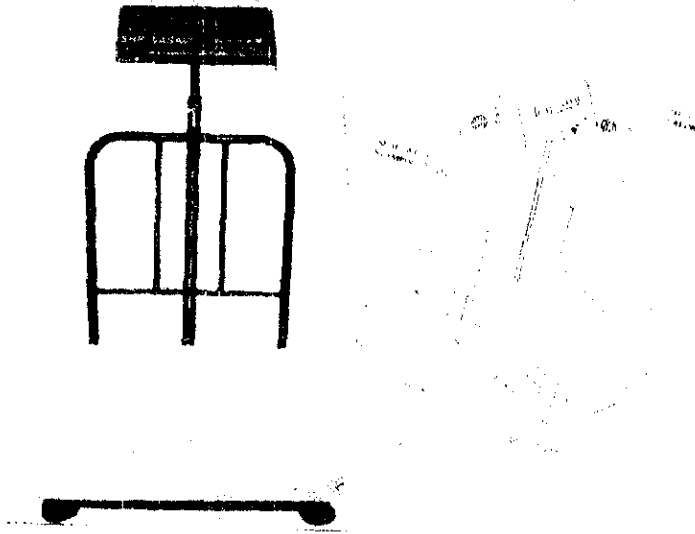
नई दिल्ली, 12 सितम्बर, 2011

का.आ.3803.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों को प्रयोग करते हुए मैसर्स वासवी स्केल, #105, एन # 71, निनिअप्पा निकेन स्ट्रीट, पार्क टाउन, चेन्नै-3 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस वी पी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "श्री वासवी" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/516 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(312)/2010]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th September, 2011

S.O.3803.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series "SVP" and with brand name "SHRI VASAVI" (hereinafter referred to as the said model), manufactured by M/s. Vasavi Scales, # 105, N # 71, Nyniyappa Naicken Street, Park Town. Chennai-3 and which is assigned the approval mark IND/09/10/516;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg. and minimum capacity of 1 kg. The verification scale interval (e) is 50g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

Figure-1 Model

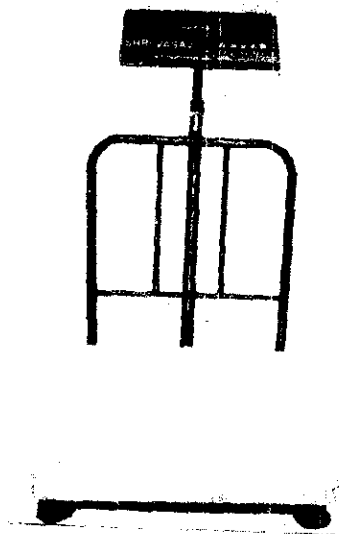


Figure-2 Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by Whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(312)/2010]

B. N. DIXIT, Director of Legal Metrology

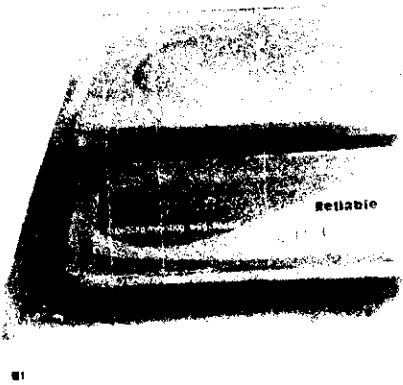
नई दिल्ली, 21 सितम्बर, 2011

का.आ.3804.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा शक्तियों को प्रयोग करते हुए मैसर्स श्री नकोदा स्केल, 40/9, कलथिप्पा स्ट्रीट, चोलयी, चेन्नई-600112 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एसएनएस-टीटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "रिलाएबल्स" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/174 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति - 1



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदन मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे। मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} , 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(94)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st September, 2011

S.O.3804.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (accuracy class-II) of series "SNS-TT" and with brand name "RELIABLES" (hereinafter referred to as the said model), manufactured by M/s. Shree Nakoda Scale, 40/9, Kalthiyappa Street, Choolai, Chennai-600112 and which is assigned the approval mark IND/09/11/174;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

Figure-1

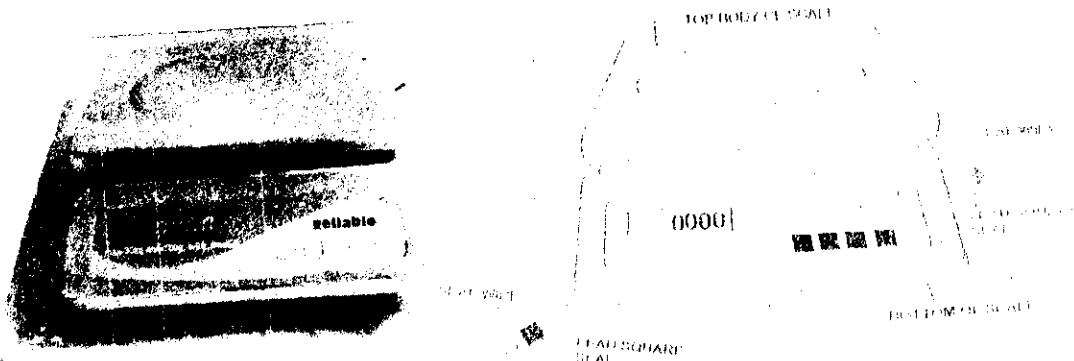


Figure-2 Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by Whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum up to 50 kg. with verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1 mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 100000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(94)/2011]

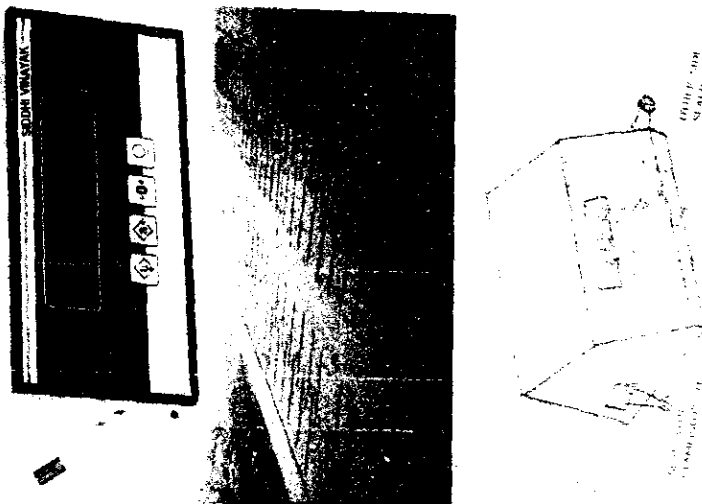
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 21 सितम्बर, 2011

का.आ.3805.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा शक्तियों को प्रयोग करते हुए मैसर्स सिद्धी विनायक इंटरप्राइजिज, एमआईजी-117, नरुला गार्डन के पास, तेतीबंध, रायपुर (छत्तीसगढ़) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस वी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज) के मॉडल का, जिसके ब्रांड का नाम "सिद्धी विनायक" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/334 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज) है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाडी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(96)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st September, 2011

S.O.3805.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of medium accuracy (Accuracy class-III) of series "SV" and with brand name "SIDDHI VINAYAK" (hereinafter referred to as the said Model), manufactured by M/s. Siddhi Vinayak Enterprises, M.I.G.-17, Nr. Narula Garden, Tatibandh, Raipur (C.G.) and which is assigned the approval mark IND/09/11/334;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 50tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

Figure-1 Model

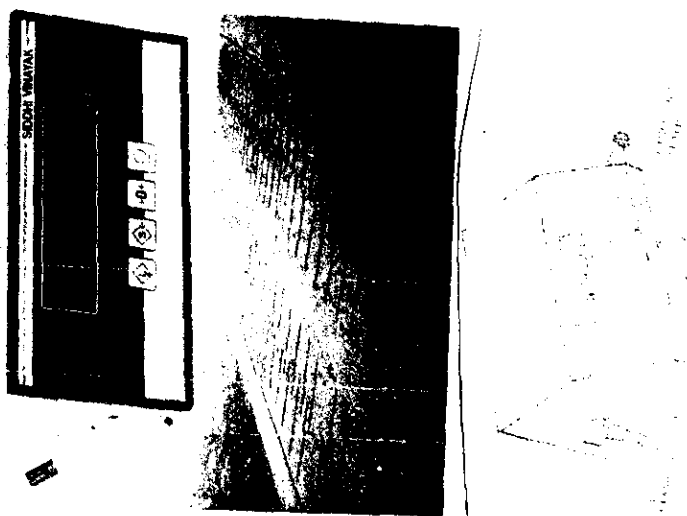


Figure-2 Schematic Diagram of sealing provision of the Model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by holes in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(96)/2011]

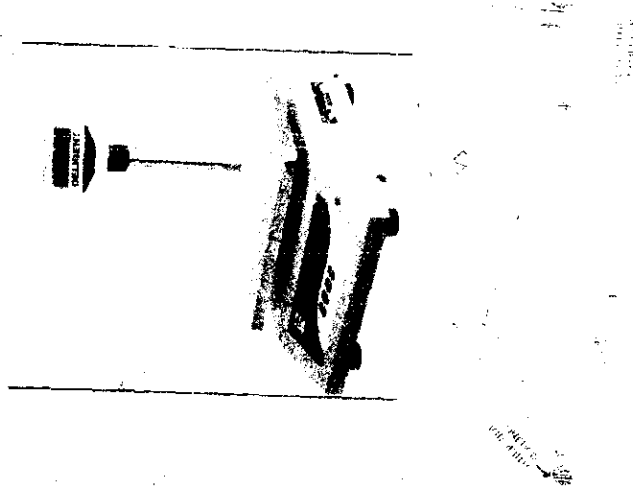
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2011

का.आ.3806.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान मॉडलों का अनुमोदन नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा शक्तियों को प्रयोग करते हुए मैसर्स कांटावाला इंटरप्राइजिज, 358/ए.कुशा भाउ ठाकरे, कबीर नगर, रायपुर-492001 छत्तीसगढ़ द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "डीईजे" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "डीलिजेंट" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/303 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदन मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(99)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 3806.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (accuracy class-II) of series "DEJ" and with brand name "DELIGENT" (hereinafter referred to as the said model), manufactured by M/s. Kantawala Enterprises, 358/A, Kusha Bhau Thakre, Kabir Nagar, Raipur-492001 Chattishgarh and which is assigned the approval mark IND/09/11/303;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

Figure-I Model

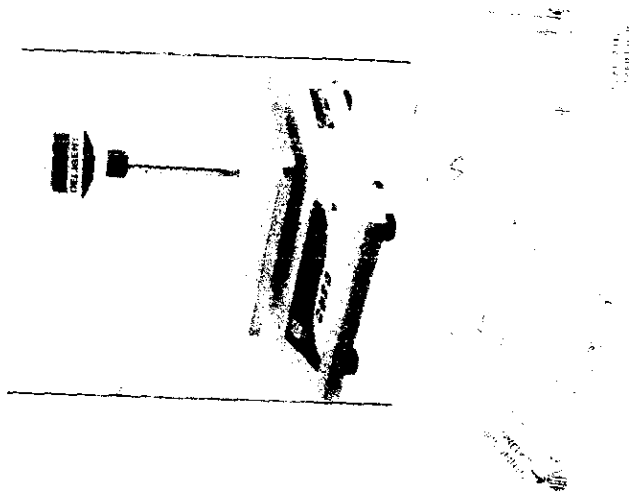


Figure-2 Schematic Diagram of the sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 100,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(99)/2011]

B. N. DIXIT, Director of Legal Metrology

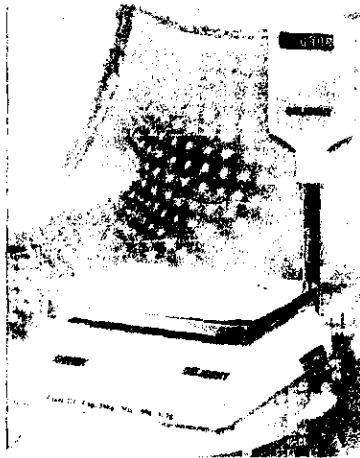
नई दिल्ली, 22 सितम्बर, 2011

का.आ.3807.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कांटावाला इंटरप्राइजिज, 358/ए, कुशा भाउ ठाकरे, कबीर नगर, रायपुर-492001 छत्तीसगढ़ द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डीईटी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "डीलिजेंट" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/304 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदन मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(99)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O.3807.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (accuracy class-III) of series "DET" and with brand name "DELIGENT" (hereinafter referred to as the said model), manufactured by M/s. Kantawala Enterprises, 358/A, Kusha Bhau Thakre, Kabir Nagar, Raipur-492001 Chattishgarh and which is assigned the approval mark IND/09/11/304;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1.

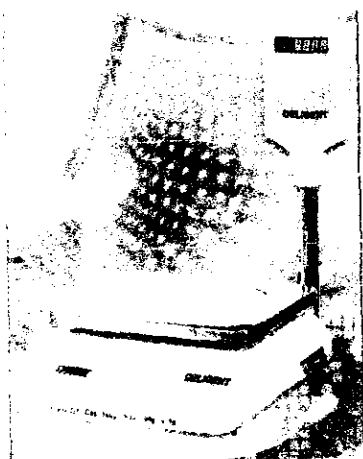


Figure-2 Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 100,00 for 'e' value of 100 mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(99)/2011]

B. N. DIXIT, Director of Legal Metrology

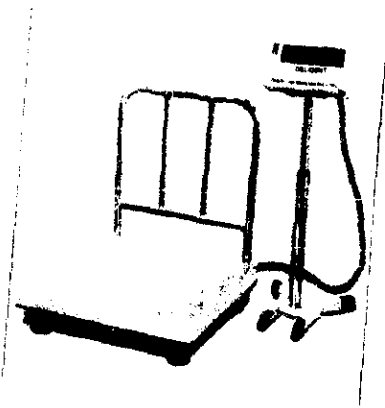
नई दिल्ली, 22 सितम्बर, 2011

का.आ.3808.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान माडलों का अनुमोदन नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, विधिक माप विज्ञान (माडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा शक्तियों को प्रयोग करते हुए मैसर्स कांटावाला इंटरप्राइजिज, 358/ए, कुशा भाउ ठाकरे, कबीर नगर, रायपुर-492001 छत्तीसगढ़ द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डीईपी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्रांड का नाम "डीलिजेंट" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/305 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

इंडीकेटर की राइट साइड/बैक साइड के होल्ज में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(99)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O.3808.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (accuracy class-III) of series "DEP" and with brand name "DELIGENT" (hereinafter referred to as the said model), manufactured by M/s. Kantawala Enterprises, 358/A, Kusha Bhau Thakre, Kabir Nagar, Raipur-492001 Chattishgarh and which is assigned the approval mark IND/09/11/305;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

Figure-1 Model

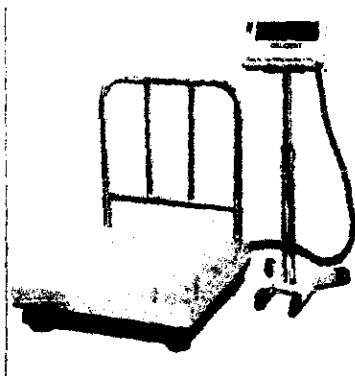


Figure-2 Schematic Diagram of the sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(99)/2011]

B. N. DIXIT, Director of Legal Metrology

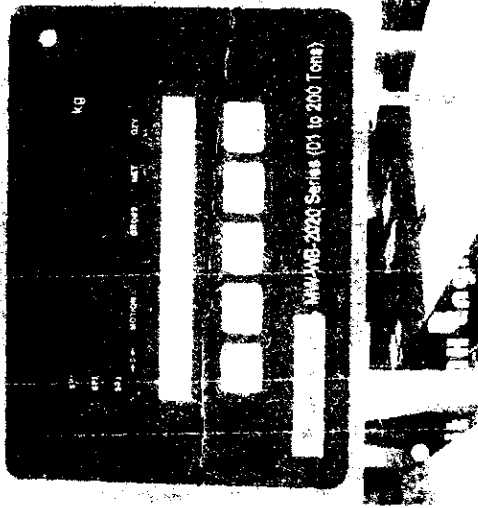
नई दिल्ली, 22 सितम्बर, 2011

का.आ. 3809.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा शक्तियों को प्रयोग करते हुए मैसर्स मेरिट बीएमएच इंजीनियरिंग प्रा.लि., ई. 1, थिरुविका इंडस्ट्रियल एस्टेट, गुडडी, चेन्नई-600032 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एमडब्ल्यू-डब्ल्यूबी-2020" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज-मल्टी लोड सैल टाइप) के मॉडल का, जिसके ब्रांड का नाम "मेरिट बीएमएच" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/190 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज-मल्टी लोड सैल टाइप) है। इसकी अधिकतम क्षमता 80 टन और न्यूनतम क्षमता 400 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 20 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है। जिसका शत प्रतिशत व्यकलात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले के राइट साइड/बैक साइड में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(110)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 3809.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge—Multi Load Cell type) with digital indication of Medium Accuracy (Accuracy class-III) of series “MW-WB-2020” and with brand name “Merit BMH” (hereinafter referred to as the said model), manufactured by M/s. Merit BMH Engineering Pvt. Ltd., E-1, Thiruvika Industrial Estate, Guindy, Chennai-600032 and which is assigned the approval mark IND/09/11/190;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge—Multi Load Cell type) with a maximum capacity of 80 tonne and minimum capacity of 400kg. The verification scale interval (e) is 20kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

Figure-1 Model



Figure-2—Schematic diagram of the sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of Rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or above and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21(110)/2011]

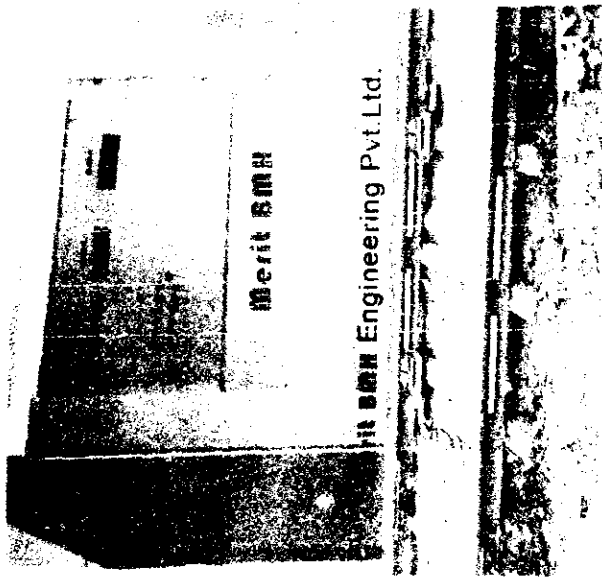
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 22 सितम्बर, 2011

का.आ. 3810.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा शक्तियों का प्रयोग करते हुए मैसर्स मेरिट बीएमएच इंजीनियरिंग प्रा. लि., ई.1, थिरुविका इंडस्ट्रियल एस्टेट, गुडंडी, चेन्नई-600032 द्वारा विनिर्मित यथार्थता वर्ग-0.5 वाले "आरएआईएल-डब्ल्यूबी-2020" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण "स्वचालित रेल वेब्रिज (रेल माउंटिड सेंसर्स-पीट लैस टाइप)" के मॉडल का, जिसके ब्राण्ड का नाम "मेरिट बीएमएच" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/191 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल विकृत गेज प्रकार का भार सैल आधारित "स्वचालित रेल वेब्रिज" (रेल माउंटिड सेंसर्स-पीट लैस टाइप) एक्सलों की संख्या 4, अधिकतम क्षमता/एक्सल 30 टन/एक्सल, अधिकतम क्षमता 120 टन है और न्यूनतम क्षमता 10 टन है। मापमान अन्तराल (डी) 100 कि.ग्रा. है। चलते हुए वाहन के एक्सल का भार जो सभी भार सैलों द्वारा महसूस किया जाता है, को जोड़ा जाता है और सड़क के एक किनारे पर फिट किया गया जंक्सन बाक्स/कंट्रोलर के माध्यम से डिजिटल वेट इंडीकेटर में भरा जाता है। एल ई डी/एल सी डी प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इसकी अधिकतम प्रचालन गति 15 कि.मी./घंटा और न्यूनतम गति 1 कि.मी./घंटा है।



आकृति-2-मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

बाडी के छेदों में से सीलिंग वायर निकाल कर सीलिंग की जाती है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिन की अधिकतम क्षमता 10 टन से ऊपर और 200 टन के साथ स्केल अंतराल (डी) ≤ 200 कि.ग्रा. होगी।

[फा. सं. डब्ल्यू एम-21(110)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O. 3810 .—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of "Automatic Rail Weighbridge (Rail Mounted Sensors - Pit less type)" with digital indication of Accuracy Class-0.5, of series "RAIL- WB-2020" and with brand name "Merit BMH" (hereinafter referred to as the said model), manufactured by M/s. Merit BMH Engineering Pvt. Ltd., E I, Thiruvika Industrial Estate, Guindy, Chennai-600032 and which is assigned the approval mark IND/09/11/191;

The said model is a strain gauge type load cell based "Automatic Rail Weighbridge (Rail Mounted Sensors - Pit less type)" with no. of axles 4, maximum capacity/axle of 30 tonne/axle, maximum capacity of 120 tonne and minimum capacity of 10 tonne. The scale interval (d) is 100kg. The Weight of the axle of the vehicle in motion is sensed by all the load cells is summed up and fed to digital weight indicator through the junction box/controller fitted one side of the road. LED/ LCD display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply. Its maximum operating speed as 15km/hr and minimum operating speed is 1 km/hr.

Figure 1.

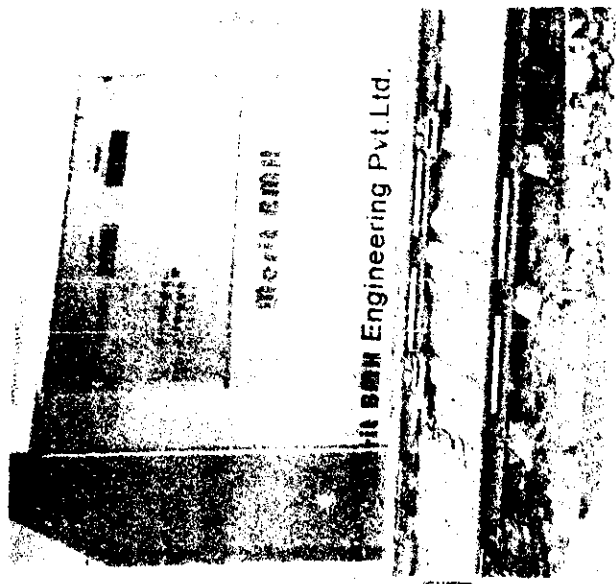


Figure-2—Schematic diagram of sealing provision of the model.

Sealing is done by passing the sealing wire from the body through holes. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of Rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 10 tonne and up to 200 tonne with scale interval (d) ≤ 200 kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No. WM-21(110)/2011]

B. N. DIXIT, Director of Legal Metrology

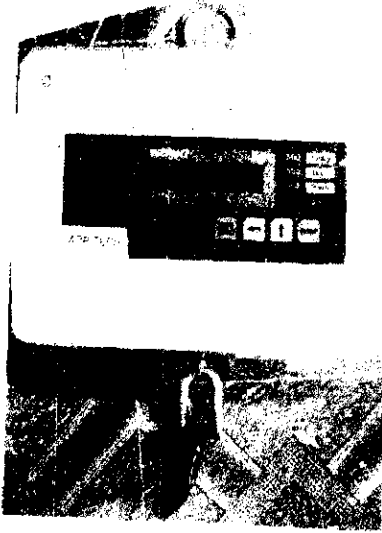
नई दिल्ली, 22 सितम्बर, 2011

का.आ.3811.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वीनस, प्लाट नं. 304, नन्दन विहार, पीओ-केआईआईटी, भुवनेश्वर-751016 (उड़ीसा) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "एटीएच" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (हैगिंग स्केल) के मॉडल का, जिसके ब्राण्ड का नाम "ए-टैक" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/266 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (हैगिंग स्केल) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2 : मॉडल को सीलिंग का योजनाबद्ध डायग्राम

डिस्पले की बाड़ी में से सीलिंग वायर निकालकर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 30 कि.ग्रा. से 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(102)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd September, 2011

S.O.3811.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Hanging Scale) with digital indication of medium Accuracy (Accuracy class -III) of Series "ATH" and with brand name "APP-TECH" (hereinafter referred to as the said model), manufactured by M/s. Venus, Plot No. 304, Nandan Vihar, PO-KIIT, Bhubaneswar-751016 (Orissa) and which is assigned the approval mark IND/09/11/266;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Hanging Scale) with a maximum capacity of 150 kg. and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

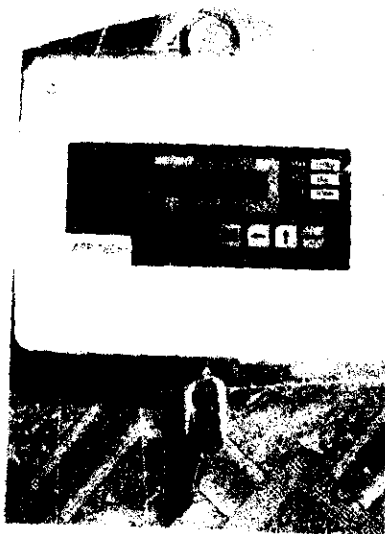


Figure-2 Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 30 kg. and up to 1000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(102)/2011]

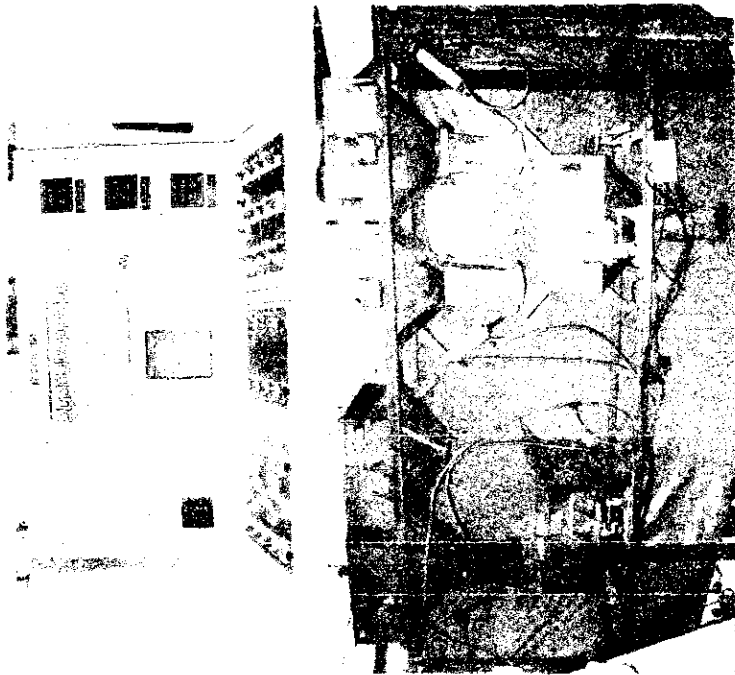
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 23 सितम्बर, 2011

का.आ.3812.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मल्टी वे आटोमेशन (प्रा.) लि., सी-177 अकुर्ली इंडस्ट्रियल एस्टेट, अकुर्ली रोड, कांडीवाली (ई) मुंबई-400101 महाराष्ट्र द्वारा विनिर्मित यथार्थता वर्ग 1 वाले "एमडब्ल्यूए" शृंखला के डिस्कॉटिन्युअस टोटलाइजिंग स्वचालित तोलन उपकरण (टोटलाइजिंग हुपर व्हीयर) के मॉडल का, जिसके ब्राण्ड का नाम "मल्टी वे" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/332 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित डिस्कॉटिन्युअस टोटलाइजिंग स्वचालित तोलन उपकरण (टोटलाइजिंग हुपर व्हीयर) है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 10 ग्रा. के साथ उत्पाद की मात्रा और प्रकृति पर निर्भर करते हुए इसकी बारम्बारता 1 से 5 डिस्चार्ज प्रति मिनट है। इसका प्रकाश उत्सर्जक डायोड (एल ई डी) 6 अंक तक प्रदर्शित करता है। उपकरण तीन सीआर बीएम टाइप भार सेल है जिसमें प्रत्येक की क्षमता 50 कि.ग्रा. है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 : मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

उपकरण को सील करने के लिए पोटेन्शियोमीटर और की-पैड के माध्यम से दोहरी सुदृढ़ व्यवस्था उपलब्ध कराई गई है, ताकि भार नियंत्रक को सील करने से पहले प्रयोगकर्ता द्वारा उसके कपटपूर्ण प्रयोग को रोका जा सके। केलिब्रेशन कंट्रोल को निष्प्रभावी बनाने के लिए पी सी बी में एक अतिरिक्त डिवाइस लगाई गई है। केलिब्रेशन तार के उपरान्त सील प्लेट को सील करने के लिए प्रयोग किया जाता है। इसके अतिरिक्त, स्टाम्पिंग प्लेट को सील करके किसी कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए सीलिंग की जाती है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी फिलिंग रेंज 10,000 कि.ग्रा. तक और बारम्बारता, प्रति मिनट 5 बार होगी।

[फा. सं. डब्ल्यू एम-21(167)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd September, 2011

S.O. 3812.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the Model of discontinuous totalizing automatic weighing instruments (totalizing hopper weigher) belonging to accuracy class-I, series- "MW A" and with brand name "Multi Way" (hereinafter referred to as the said Model) manufactured by M/s. Multi way Automation (P.) Ltd, C-177, Akurli Industrial Estate, Akurli Road, Kandivali (E), Mumbai-400 101, Maharashtra and which is assigned the approval mark IND/09/11/332;

The said Model is a strain gauge type load cell based discontinuous totalizing automatic weighing instruments (totalizing hopper weigher). It has maximum capacity of 100 kg. and verification scale interval (e) value of 10 g. with a frequency of 1 to 5 discharges per minute depending upon the quantity and nature of the product. It has LED display of 6 digits. The instrument has three shear beam type load cell of capacity 50 kg. each. The instrument operates on 230 Volts, 50 Hz power supply.

Figure- 1 Model

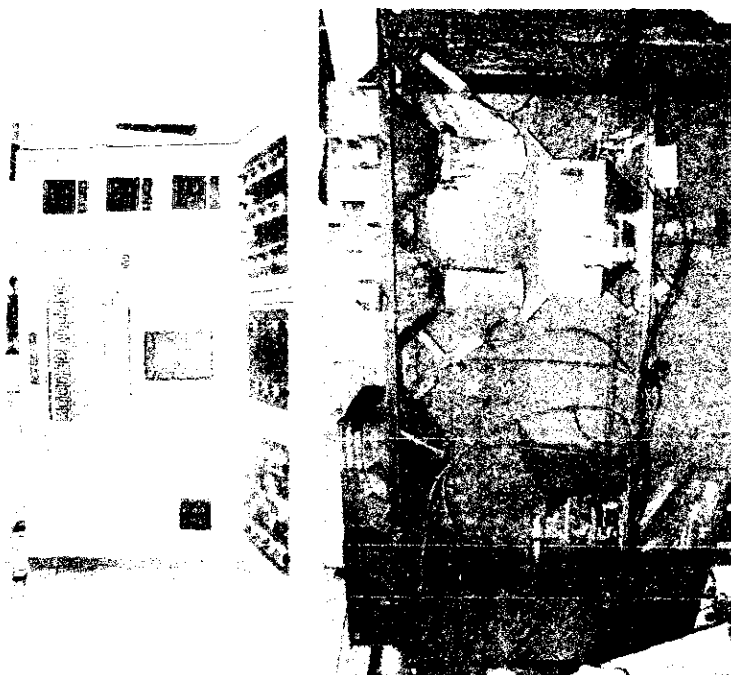


Figure-2 Schematic Diagram of sealing provision of the Model.

For sealing of instrument, there is a dual calibration system through potentiometer and keypad before the sealing of the weighing controller to avoid the fraudulent use by the user. An extra device also provided to disable the calibration control in the PCB. After calibration wire and seal plate is used for final sealing. In addition to sealing the stamping plate, sealing shall be done to prevent the opening of machine for fraudulent practices.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with filling range up to 10,000 kg. with frequency up to 5 discharges per minute manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(167)/2011]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 24 अक्टूबर, 2011

का.आ. 3813 .—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा शक्तियों का प्रयोग करते हुए मैसर्स एवरेडी स्केल इंडिया लिमिटेड, जी1/95, आर आई आई सी ओ इंडस्ट्रियल एरिया, कलाडेरा, छोमू, जयपुर, राजस्थान द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एसएआईटी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “एवरेडी” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/360 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप टाइप) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बाड़ी में से सीलिंग वायर निकालकर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बनें दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और, केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 100,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^0 , 2×10^0 , 5×10^0 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(200)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th October, 2011

S.O. 3813.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of Series "SAIT" and with brand name "AVEREADY" (hereinafter referred to as the said Model), manufactured by M/s. Aveready Scale India Limited, G1/95, RIICO Industrial Area, Kaladera, Chomu, Jaipur, Rajasthan and which is assigned the approval mark IND/09/11/360;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

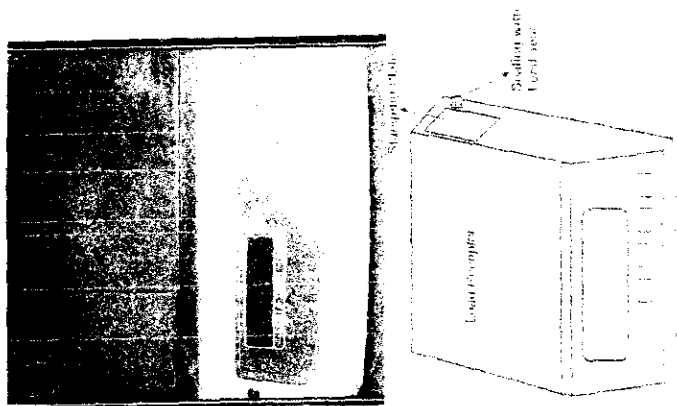


Figure-2—Schematic Diagram of sealing provision of the Model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by hole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the Model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of Rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 100,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(200/2011)]

B. N. DIXIT, Director of Legal Metrology

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th October, 2011

S.O. 3814.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of Medium Accuracy (Accuracy class -III) of Series "SAIP" and with brand name "AVEREADY" (hereinafter referred to as the said Model), manufactured by M/s. Aveready Scale India Limited, G1/95, RIICO Industrial Area, Kaladera, Chomu, Jaipur, Rajasthan and which is assigned the approval mark IND/09/11/361;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300 kg. and minimum capacity of 1 kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

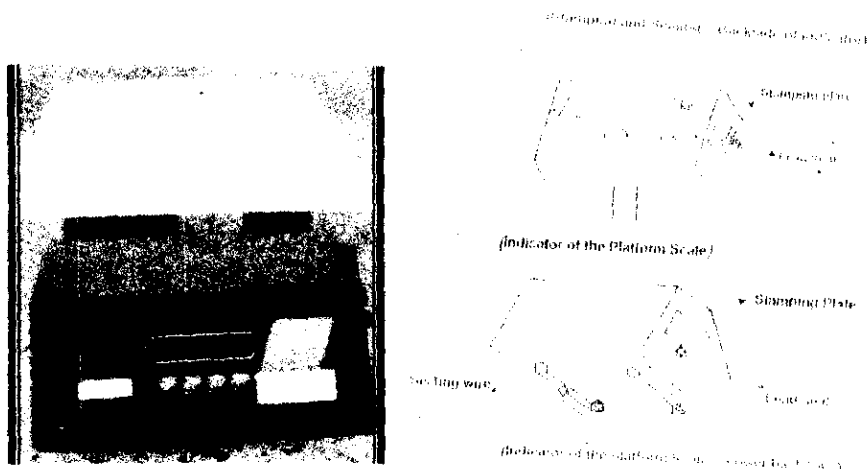


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of Rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000 with verification scale interval (n) in the range of 500 to 100,00 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(200)/2011]

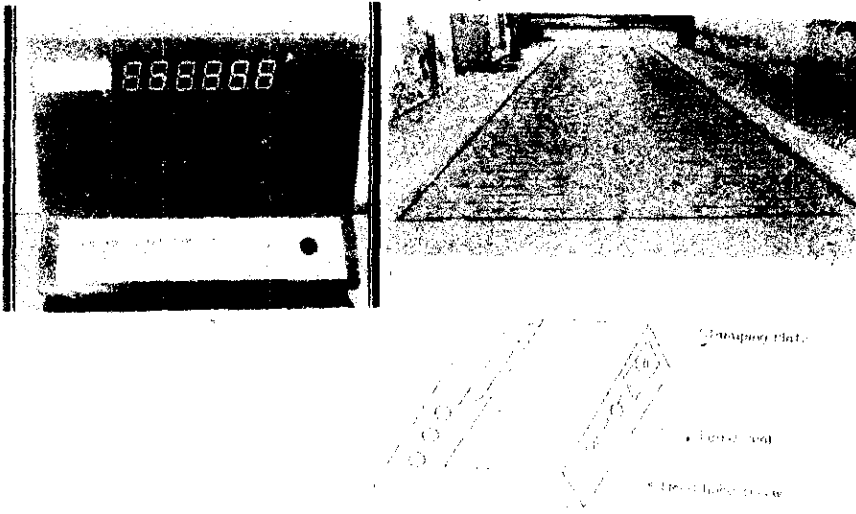
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 24 अक्टूबर, 2011

का.आ. 3815.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एवरेडी स्केल इंडिया लिमिटेड, जी1/95, आर आई आई सी ओ इंडस्ट्रियल एरिया, कालांडरा, छोमू, जयपुर, राजस्थान द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एसआईडब्ल्यू" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेजिज) के मॉडल का, जिसके ब्राण्ड का नाम "एवरेडी" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/362 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है ;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेजिज) है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्पले की बाड़ी में से सीलिंग वायर निकाल कर डिस्पले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्पले के बेस प्लेट और टॉप कवर में बनें दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और, केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(200)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th October, 2011

S.O. 3815.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of Rule 8 and sub-rule (4) of Rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of Medium Accuracy (Accuracy class -III) of Series "ASIW" and with brand name "AVEREADY" (hereinafter referred to as the said Model), manufactured by M/s. Aveready Scale India Limited, G1/95, RIICO Industrial Area, Kaladera, Chomu, Jaipur, Rajasthan and which is assigned the approval mark IND/09/11/362;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with maximum capacity of 50 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

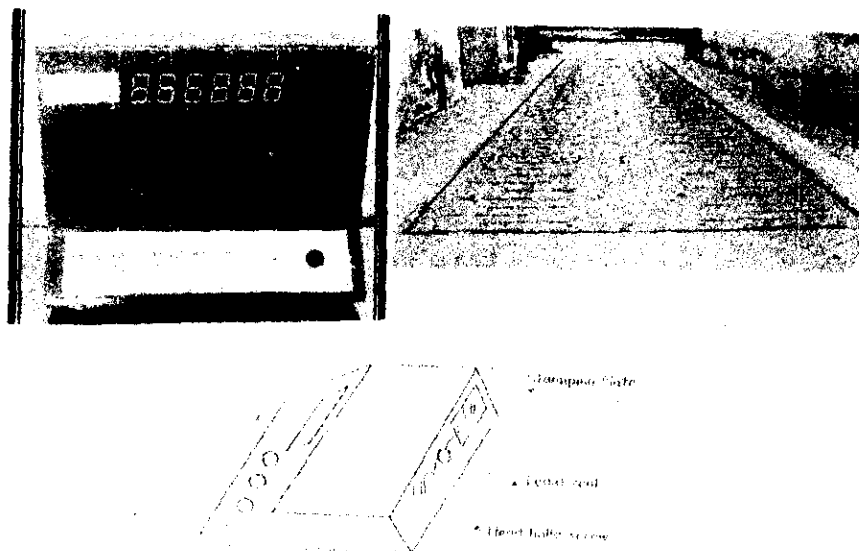


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by holes in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of Rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F.No.WM-21(200)/2011]

B. N. DIXIT, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 13 दिसम्बर, 2011

का.आ. 3816.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में एतद्वारा अधिसूचित किया जाता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे रद्द कर दिए गए हैं और वापिस ले लिये गए हैं :

अनुसूची

क्रम सं.	रद्द किये गये मानक की संख्या और वर्ष	भारत के राजपत्र भाग II, खंड 3, उपखंड (ii) में का. आ. संख्या और तिथि प्रकाशित	टिप्पणी
(1)	(2)	(3)	(4)
1.	आईएस 7724 : 2004 विस्फोटक गैस वातावरण के लिए विद्युत के उपकरण — पाउडर भरित "q" (पहला पुनरीक्षण)	3144 और दिसम्बर, 2004	-
2.	आईएस 13408 (भाग 1) : 1992 विभव विस्फोटक पर्यावरणों (विस्फोटक प्रक्रमण और निर्माण के खनन अनुप्रयोगों को छोड़कर) में प्रयुक्त विद्युत औजारों के चयन, संस्थापन और रखरखाव की रीति संहिता भाग 1 सामान्य अपेक्षाएँ	1106 और मई, 1993	-
3.	आईएस 14154 (भाग 1) : 1996 दाहण धूलि की उपस्थिति में उपयोग में आने वाले संरक्षण के लिए आवरण सहित वैद्युत -उपकरण	1129 और मई, 1997	-

[संदर्भ : ईटी 22/टी-15, टी-34, टी-33]

आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 13th December, 2011

S.O. 3816.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, it is, hereby notified that the Indian Standards, particulars of which are mentioned in the Schedule give hereafter, have been cancelled and stand withdrawn :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Cancelled	S. O. No. and date published in the Gazette of India, Part II, Section-3, Sub-section (ii)	Remarks
(1)	(2)	(3)	(4)
1.	IS 7724 : 2004 Electrical Apparatus for explosive gas atmospheres —Power filling 'q' (First Revision)	3144 and December, 2004	-

(1)	(2)	(3)	(4)
2.	IS 13408 (Part 1) : 1992 Code of Practice for the selection, installation and maintenance of electrical apparatus for use in potentially explosive atmospheres (other than mining application or explosive processing manufacture) Part 1 General recommendations	1106 and May, 1993	-
3.	IS 14154 (Part 1) : 1996 Electrical Apparatus with protection by enclosures for use in presence of combustible dust. Part 1 Specification for apparatus	1129 and May, 1997	-

[Ref: ET 22/ T-15, T-34, T-33]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 15 दिसम्बर, 2011

का.आ. 3817.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :-

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस/आईईसी 60060-3: 2006 उच्च वोल्टता परीक्षण तकनीकें भाग 3 ऑन-साइट परीक्षण की परिभाषाएं और अपेक्षाएं	-	15-12-2011

इस भारतीय मानक की एक प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 19/टी-21]

आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 15th December, 2011

S.O. 3817.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies the Indian Standards to the Indian Standards, particulars of which given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standard	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS/IEC 60060-3:2006 High Voltage Test Techniques Part 3 Definitions and Requirments for On-Site Testing	—	15-12-2011

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi- 110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: ET 19/T-21]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

नई दिल्ली, 15 दिसम्बर, 2011

का.आ. 3818.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :-

अनुसूची

क्रम सं.	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 13778 (भाग 6): 2011 कुंडलन तारे परीक्षण पद्धतियाँ भाग 6 सामान्य थर्मल गुणधर्म (पहला पुनरीक्षण)	—	15-12-2011

इस भारतीय मानक की एक प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 33/टी-107]

आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 15th December, 2011

S.O. 3818.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards to the Indian Standards, particulars of which is given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standard	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 13778 (Part 6) : 2011 Winding Wires - Test Methods Part 6 Thermal Properties (First Revision)	—	15-12-2011

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi- 110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: ET 33/T-107]

R. K. TREHAN, Scientist 'E' & Head (Electrotechnical)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 26 दिसम्बर, 2011

का.आ. 3819.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 6 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अधिसूची में यथा उल्लिखित तारीखों की संख्या का. आ. द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था।

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में, सभी विल्लंगमों से मुक्त उपयोग का अधिकार भारत पेट्रोलियम कॉरपोरेशन लिमिटेड में निहित किया था।

और जबकि सक्षम अधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि मोटर स्प्रिट, उच्च कोटि का मिट्टी का तेल और वेग डीजल के परिवहन के लिए भारत पेट्रोलियम कॉरपोरेशन लिमिटेड के मध्यप्रदेश स्थित मांगलया संस्थापन से दिल्ली राज्य स्थित बिजवासन संस्थापन तक उपर्युक्त भूमियों में पाईपलाइन बिछाई जा चुकी है। चूंकि उत्तरप्रदेश राज्य के जिला मथुरा में पाईपलाइन बिछाई जा चुकी है, अतः ऐसी भूमि के बारे में, जिसका विवरण इस अधिसूचना से संलग्न अनुसूची से विनिर्दिष्ट है, प्रचालन समाप्त किया जाए ;

अतः, अब, केन्द्रीय सरकार पेट्रोलियम पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के स्पष्टीकरण-1 के अधीन अपेक्षानुसार उक्त अनुसूची के स्तंभ 7 में उल्लिखित तारीखों की जिला मथुरा, उत्तरप्रदेश राज्य में प्रचालन की समाप्ति की तारीख के रूप में घोषित करती है।

अनुसूची

क्रम सं.	का. आ. नं. व तारीख	ग्राम का नाम	तहसील	जिला	राज्य	प्रचालन समाप्ति की तारीख
1	2	3	4	5	6	7
1.	3131-30-8-2005	अरहेरा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		गणेशरा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		मधेरा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		मासूमनगर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		वाटी	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007

1	2	3	4	5	6	7
		तारसी	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		धनगांव	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		सलेमपुर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		मैसा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		धानाशमसाबाद	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		इकदन्ता	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		बमूरी मुहाल गर्वी	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		बरारी	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		धानातेजा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		मुहीउद्दीनपुर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		पीलुआ सादिकपुर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		अडूकी	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		बाकरपुर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		खेड़िया	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		महौली	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		नौगांव	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		सतोहा असगरपुर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		छडगांव	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		ओल	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		जैत	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
2.	4712-16-12-2005	अरहेरा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		गणेशरा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		मधेरा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		मासूमनगर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		वाटी	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		धनगांव	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		मैसा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		धाना शमसाबाद	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		इकदन्ता	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		बमूरी मुहाल गर्वी	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		बरारी	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		धाना तेजा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		मुहीउद्दीनपुर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		पीलुआ सादिकपुर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		अडूकी	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		बाकरपुर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		नौगांव	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007

1	2	3	4	5	6	7
2.	4712-16-12-2005	सतोहा असगरपुर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		छड़गांव	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
3.	1801-21-6-2007	ओल	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		खेड़िया	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		तारसी	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		महोली	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		जैत	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
4.	1802-21-6-2007	अरहेरा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		गणेशरा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		मघेरा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		मासूम नगर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		वाटी	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		धनगांव	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		छड़गांव	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		पैसा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		धानाधमसाबाद	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		इकदन्ता	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		बभूरी मुहाल गवीं	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		बरारी	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		धानातेजा	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		मुहीउद्दीनपुर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		पीलुआ सादिकपुर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		अडूकी	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		नौगांव	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
		सतोहा असगरपुर	मथुरा	मथुरा	उत्तर प्रदेश	30-9-2007
5.	3312/4312-	आझईकलां	छाता	मथुरा	उत्तर प्रदेश	31-5-2008
	13-9-2005	आझईखुर्द	छाता	मथुरा	उत्तर प्रदेश	31-5-2008
		अजनौठी	छाता	मथुरा	उत्तर प्रदेश	31-5-2008
		अकबरपुर	छाता	मथुरा	उत्तर प्रदेश	31-5-2008
		बहरावली	छाता	मथुरा	उत्तर प्रदेश	31-5-2008
		बिड़ावली	छाता	मथुरा	उत्तर प्रदेश	31-5-2008
		बरोली	छाता	मथुरा	उत्तर प्रदेश	31-5-2008
		चन्दोरी	छाता	मथुरा	उत्तर प्रदेश	31-5-2008
		चौमुहां	छाता	मथुरा	उत्तर प्रदेश	31-5-2008
		गुहेता सातबीसा	छाता	मथुरा	उत्तर प्रदेश	31-5-2008

1	2	3	4	5	6	7
5.	3312/4312- 13-9-2005	खरौट सैमरी हथाना छाताखास फालैन	छाता छाता छाता छाता छाता	मथुरा मथुरा मथुरा मथुरा मथुरा	उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश	31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008
6.	856-27-2-2006	आझईकलां आझईखुर्द अजनौठी अकबरपुर बरौली चौमुहां खरौट सैमरी हथाना छाताखास फालैन	छाता छाता छाता छाता छाता छाता छाता छाता छाता छाता छाता	मथुरा मथुरा मथुरा मथुरा मथुरा मथुरा मथुरा मथुरा मथुरा मथुरा मथुरा	उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश	31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008
7.	857-27-2-2006	बरचावली	छाता	मथुरा	उत्तर प्रदेश	31-5-2008
8.	246-4-2-2008	बरचावली	छाता	मथुरा	उत्तर प्रदेश	31-5-2008
9.	247-4-2-2008	आझईकलां आझईखुर्द अजनौठी अकबरपुर बरौली चौमुहां खरौट सैमरी हथाना फालैन छाताखास	छाता छाता छाता छाता छाता छाता छाता छाता छाता छाता छाता	मथुरा मथुरा मथुरा मथुरा मथुरा मथुरा मथुरा मथुरा मथुरा मथुरा मथुरा	उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश	31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008
10.	248-4-2-2008	बहरावली बिड़ावली चन्दौरी गुहेता सतबिसा	छाता छाता छाता छाता	मथुरा मथुरा मथुरा मथुरा	उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश उत्तर प्रदेश	31-5-2008 31-5-2008 31-5-2008 31-5-2008

[फा. सं. आर-31015/43/2009-ओ आर-II]

लाल छन्दमा, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 26th December, 2011

S.O. 3819.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas, S.O. Nos. and dates as mentioned in the Schedule below issued under sub-section (i) of Section (6), Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the Right of User in the said lands specified in the schedule appended to those notifications.

And Whereas, in exercise of powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government vested the right of user in the lands free from all encumbrances in the Bharat Petroleum Corporation Limited.

And Whereas, the Competent Authority has made a report to the Central Government that the pipeline for the purpose of transportation of motor sprit, superior kerosene oil and high speed diesel from Manglya in the State of Madhya Pradesh to Bijwasan in the State of Delhi has been laid in the said lands and hence the operation may be terminated in District Mathura in the State of Uttar Pradesh in respect of the said lands which in brief are specified in the Schedule annexed to this Notification.

Now, therefore, as required under explanation 1 of Rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Central Government hereby declares the dates mentioned in Column 7 of the said schedule as the dates of termination in District Mathura the State of Uttar Pradesh.

SCHEDULE

S. No.	S. O. No. and Date	Name of Village	Tehsil	District	State	Date of Termination
1	2	3	4	5	6	7
1.	3131- 30-8-2005	Arahera	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Ganeshra	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Maghera	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Masumnagar	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Vaati	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Tarsi	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Dhangaon	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Salempur	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Bhainsa	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Dhana Shamsabad	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Ekdanta	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Bamuri Muhal Garvi	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Barari	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Dhana Teja	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Muhiuddinpur	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Pilua Sadikpur	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Aduki	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Bakarpur	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Khedia	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Maholi	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Naugaon	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Satoha Asgarpur	Mathura	Mathura	Uttar Pradesh	30-9-2007

1	2	3	4	5	6	7
1.	3131-30-8-2005	Chhadgaon	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Aol	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Jait	Mathura	Mathura	Uttar Pradesh	30-9-2007
2.	4712 Dated 16-12-2005	Arahera	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Ganeshra	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Maghera	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Masumnagar	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Vaati	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Dhangaon	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Bhainsa	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Dhana Shamsabad	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Ekdanta	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Bamuri Muhal Garvi	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Barari	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Dhana Teja	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Muhiuddinpur	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Pilua Sadikpur	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Aduki	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Bakarpur	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Naugaon	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Satoha Asgarpur	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Chhadgaon	Mathura	Mathura	Uttar Pradesh	30-9-2007
3.	1801 Dated 21-6-2007	Aol	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Khedia	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Tarsi	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Maholi	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Jait	Mathura	Mathura	Uttar Pradesh	30-9-2007
4.	1802 Dated 21-6-2007	Arahera	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Ganeshra	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Maghera	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Masum Nagar	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Vaati	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Dhangaon	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Chadgaon	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Bhainsa	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Dhana Shamsabad	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Ekdanta	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Bamuri Muhal Garvi	Mathura	Mathura	Uttar Pradesh	30-9-2007
		Barari	Mathura	Mathura	Uttar Pradesh	30-9-2007

1	2	3	4	5	6	7
4.	1802 Dated 21-6-2007	Dhana Teja Muhiuddinpur Pilua Sadikpur Aduki Naugaon Satoha Asgarpur	Mathura Mathura Mathura Mathura Mathura Mathura	Mathura Mathura Mathura Mathura Mathura Mathura	Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh	30-9-2007 30-9-2007 30-9-2007 30-9-2007 30-9-2007 30-9-2007
5.	3312/4312 Dated 13-9-2005	Aajhaikalan Aajhaikhurd Ajanauthi Akbarpur Baharavali Bidavali Barouli Chandauri Chaumuhan Guheta Satbisa Kharot Senmari Hathana Chhatakhas Phalain	Chhata Chhata Chhata Chhata Chhata Chhata Chhata Chhata Chhata Chhata Chhata Chhata Chhata Chhata Chhata	Mathura Mathura Mathura Mathura Mathura Mathura Mathura Mathura Mathura Mathura Mathura Mathura Mathura Mathura Mathura	Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh	31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008
6.	856 Dated 27-2-2006	Aajhaikalan Aajhaikhurd Ajanauthi Akbarpur Barouli Chaumuhan Kharot Senmari Hathana Chhatakhas Phalain	Chhata Chhata Chhata Chhata Chhata Chhata Chhata Chhata Chhata Chhata Chhata	Mathura Mathura Mathura Mathura Mathura Mathura Mathura Mathura Mathura Mathura Mathura	Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh	31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008 31-5-2008
7.	857 Dated 27-2-2006	Barchawali	Chhata	Mathura	Uttar Pradesh	31-5-2008
8.	246 Dated 4-2-2008	Barchawali	Chhata	Mathura	Uttar Pradesh	31-5-2008
9.	247 Dated 4-2-2008	Aajhaikalan Aajhaikhurd Ajanauthi Akbarpur	Chhata Chhata Chhata Chhata	Mathura Mathura Mathura Mathura	Uttar Pradesh Uttar Pradesh Uttar Pradesh Uttar Pradesh	31-5-2008 31-5-2008 31-5-2008 31-5-2008

[F.No. R-31015/43/2009-OR-II]
LAL CHHANDAMA, Under Secy.

क्रम सं.	का. आ. नं. व तारीख	ग्राम का नाम	ताहसील	जिला	राज्य	प्रचालन समाप्ति की तारीख
1	2	3	4	5	6	7
1.	630, दिनांक 24-3-1998	डोकरगाँव	शाजापुर (मोहन बडोदिया)	शाजापुर	मध्यप्रदेश	27-9-2010
		अरोलिया	शाजापुर (मोहन बडोदिया)	शाजापुर	मध्यप्रदेश	27-9-2010
		भंडेडी	शाजापुर (मोहन बडोदिया)	शाजापुर	मध्यप्रदेश	27-9-2010
		सागड़िया	शाजापुर (मोहन बडोदिया)	शाजापुर	मध्यप्रदेश	27-9-2010
		जावदी	शाजापुर (मोहन बडोदिया)	शाजापुर	मध्यप्रदेश	27-9-2010
		धतरावाद	शाजापुर (मोहन बडोदिया)	शाजापुर	मध्यप्रदेश	27-9-2010
		गोविंदा	शाजापुर (मोहन बडोदिया)	शाजापुर	मध्यप्रदेश	27-9-2010

1	2	3	4	5	6	7
		बरनावद	शाजापुर (मोहन बडोदिया)	शाजापुर	मध्यप्रदेश	27-9-2010
		बड़ौदा	शाजापुर (मोहन बडोदिया)	शाजापुर	मध्यप्रदेश	27-9-2010
		कडुला	शाजापुर (मोहन बडोदिया)	शाजापुर	मध्यप्रदेश	27-9-2010
		मोहना	शाजापुर (मोहन बडोदिया)	शाजापुर	मध्यप्रदेश	27-9-2010
2.	571, दिनांक 5-3-2009	सागड़िया	मो. बडोदिया	शाजापुर	मध्यप्रदेश	27-9-2010
3.	2330, दिनांक 10-9-2010	गोविन्दा	मोहन बडोदिया	शाजापुर	मध्यप्रदेश	27-9-2010
		बरनावद	मोहन बडोदिया	शाजापुर	मध्यप्रदेश	27-9-2010
		बड़ौदा	मोहन बडोदिया	शाजापुर	मध्यप्रदेश	27-9-2010
		मोहना	मोहन बडोदिया	शाजापुर	मध्यप्रदेश	27-9-2010
		कडुला	मोहन बडोदिया	शाजापुर	मध्यप्रदेश	27-9-2010
		डोकरगांव	मोहन बडोदिया	शाजापुर	मध्यप्रदेश	27-9-2010
4.	629, दिनांक 24-3-1998	चाचाखेड़ी	आगर	शाजापुर	मध्यप्रदेश	27-3-2009
		चांदनगांव	आगर	शाजापुर	मध्यप्रदेश	27-3-2009
		सुतड़ा	आगर	शाजापुर	मध्यप्रदेश	27-3-2009
		भड़भूजी	आगर	शाजापुर	मध्यप्रदेश	27-3-2009
5.	715, दिनांक 18-3-2009	चांदनगांव	आगर	शाजापुर	मध्यप्रदेश	27-3-2009
6.	444, दिनांक 23-2-1998	टिकोन	नलखेड़ा	शाजापुर	मध्यप्रदेश	21-6-2011
		गुजारिया	नलखेड़ा	शाजापुर	मध्यप्रदेश	21-6-2011
7.	1086, दिनांक 22-4-2009	टिकोन	नलखेड़ा	शाजापुर	मध्यप्रदेश	21-6-2011
8.	1599, दिनांक 3-6-2011	टिकोन	नलखेड़ा	शाजापुर	मध्यप्रदेश	21-6-2011

[फा. सं. आर-31015/1/2011-ओ आर-II]

लाल छन्दमा, अवर सचिव

New Delhi, the 26th December, 2011

S.O. 3820.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas, S.O. Nos. and dates as mentioned in the Schedule below issued under sub-section (i) of Section (6), Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1952), the Central Government acquired the Right of User in the said lands specified in the schedule appended to those notifications.

And whereas, in exercise of powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government vested the right of user in the lands free from all encumbrances in the name of Bharat Oman Refineries.

And whereas, the Competent Authority has made a report to the Central Government that the pipeline for the purpose of transportation of crude oil from vadinar, District : Jamnagar in the State of Gujarat to Bina, District : Sagar, in the State of Madhya Pradesh has been laid in the said lands and hence the operation may be terminated in the said lands which in brief are specified in the Schedule annexed to this Notification.

Now, therefore, as required under explanation 1 of Rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Central Government hereby declares the dates mentioned in Column 7 of the said schedule as the dates of termination of District Shajapur the State of Madhya Pradesh.

SCHEDULE

S. No.	S. O. No. and Date	Name of Village	Tehsil	District	State	Date of Termination
1	2	3	4	5	6	7
1.	630, Date 24-3-1998	Dokargaon	Shajapur (Mohan Badodiya)	Shajapur	Madhya Pradesh	27-9-2010
		Aroliya	Shajapur (Mohan Badodiya)	Shajapur	Madhya Pradesh	27-9-2010
		Bhadedi	Shajapur (Mohan Badodiya)	Shajapur	Madhya Pradesh	27-9-2010
		Sagadiya	Shajapur (Mohan Badodiya)	Shajapur	Madhya Pradesh	27-9-2010
		Javadi	Shajapur (Mohan Badodiya)	Shajapur	Madhya Pradesh	27-9-2010
		Dhatrawada	Shajapur (Mohan Badodiya)	Shajapur	Madhya Pradesh	27-9-2010
		Govinda	Shajapur (Mohan Badodiya)	Shajapur	Madhya Pradesh	27-9-2010
		Barnawad	Shajapur (Mohan Badodiya)	Shajapur	Madhya Pradesh	27-9-2010
		Badodi	Shajapur (Mohan Badodiya)	Shajapur	Madhya Pradesh	27-9-2010
		Kadula	Shajapur (Mohan Badodiya)	Shajapur	Madhya Pradesh	27-9-2010
		Mohana	Shajapur (Mohan Badodiya)	Shajapur	Madhya Pradesh	27-9-2010
2.	571, Date 5-3-2009	Sagadiya	Shajapur (Mohan Badodiya)	Shajapur	Madhya Pradesh	27-9-2010
3.	2330, Date 10-9-2010	Govinda	Mohan Badodiya	Shajapur	Madhya Pradesh	27-9-2010
		Barnawad	Mohan Badodiya	Shajapur	Madhya Pradesh	27-9-2010
		Badodi	Mohan Badodiya	Shajapur	Madhya Pradesh	27-9-2010
		Mohana	Mohan Badodiya	Shajapur	Madhya Pradesh	27-9-2010
		Kadula	Mohan Badodiya	Shajapur	Madhya Pradesh	27-9-2010
		Dokargaon	Mohan Badodiya	Shajapur	Madhya Pradesh	27-9-2010
4.	629, Date 24-3-1998	Chachakhedi	Agar	Shajapur	Madhya Pradesh	27-3-2009
		Chandangaon	Agar	Shajapur	Madhya Pradesh	27-3-2009
		Sutada	Agar	Shajapur	Madhya Pradesh	27-3-2009
		Bhadbhuji	Agar	Shajapur	Madhya Pradesh	27-3-2009
5.	715, Date 18-3-2009	Chandangaon	Agar	Shajapur	Madhya Pradesh	27-9-2009
6.	444, Date 20-2-2098	Tikon	Nalkheda	Shajapur	Madhya Pradesh	21-6-2011
		Gunjaria	Nalkheda	Shajapur	Madhya Pradesh	21-6-2011
7.	1086, Date 22-4-2009	Tikon	Nalkheda	Shajapur	Madhya Pradesh	21-6-2011
8.	1599, Date 3-6-2011	Tikon	Nalkheda	Shajapur	Madhya Pradesh	21-6-2011

[F. No. R-31015/1/2011-OR-II]

LAL CHHANDAMA, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 25 नवम्बर, 2011

का.अ. 3821.-औद्योगिक विवाद अधिनियम, 1947(1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एल.सी. 79/2007 एवं 44/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 21-11-2011 को प्राप्त हुआ था

[सं. एल-12011/66/2007-आई आर (बी.-II)]
शीश राम, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 25th November, 2011

S.O.3821.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (*Ref. LC No. 79/2007 & 44/2007*) of the Central Government Industrial Tribunal/Labour Court, **HYDERABAD** now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of **UCO BANK** and their workman, which was received by the Central Government on 21.11.2011.

[No. L-12011/66/2007-IR(B-II)]
SHEESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri VED PRAKASH GAUR, Presiding Officer

Dated the 13th day of September, 2011

INDUSTRIAL DISPUTE LC NO. 79/2007

and

INDUSTRIAL DISPUTE NO. 44/2007

(ID 44/2007 has been clubbed with LC 79/2007 vide order dt. 5.2.2009)

BETWEEN:

Sri P. Koteswar Rao,
S/o Rajaiah,
R/o 4-I-45/2, Chapalkeri,
Sadasivpet, Medak District,Petitioner

AND

1. The Deputy General Manager,
(Appellate Authority)
UCO Bank, Regional Office,
8-2-624, Ground Floor, Road No. 10,
Banjara Hills, Hyderabad-34

2. The Chief Officer,
UCO Bank, Regional Office,
8-2-624, Ground Floor, Road No. 10,
Banjara Hills, Hyderabad-34.
....Respondents

APPEARANCES:

For the Petitioner : M/s. A.K. Jayaprakash Rao,
K. Srinivas Rao, P. Sudha,
T. Bal Reddy, M. Govind.,
K. Ajay Kumar &
Venkatesh Dixit, Advocates

For the Respondent : M/s. R.V. Subba Rao &
A. Anil Kumar, Advocates

AWARD

This case was registered in this Tribunal on the basis of the reference received from Government of India, Ministry of Labour by its order No. L-12011/66/2007-IR (B. II) dated 23.8.2007 under section 10(1)(d) of the I.D. Act, 1947 to adjudicate the dispute between the management of UCO Bank and their workman Sri P. Koteswar Rao. The term of reference is as under:

SCHEDULE

"Whether the action of the management of M/s. UCO Bank, Hyderabad (A.P.) in imposing the punishment of termination from services by way of compulsory retirement w.e.f. 13.11.2006 on Shri P. Koteswar Rao, Daftary, Sangareddy Branch is justified? If not, to what relief the workman concerned is entitled?"

The reference is numbered in this Tribunal as I.D. No. 44/2007 and notices were issued to the parties. Petitioner has filed petition under Sec. 2A(2) with the same cause of action on the file of this Tribunal which was numbered as LC. 79/2007 earlier to the reference from Government of India. Hence, ID No. 44/2007 has been clubbed with LC No. 79/2007 vide docket order dated 5.2.2009 at the instance of memo from Petitioner's counsel. Therefore, both cases are being disposed off together.

2. Petitioner worker has stated in his claim statement that he was appointed as Daftary in Respondent bank on 8.8.1983 and he put in good service record till he was illegally imposed with the punishment of compulsory retirement by order dated 10.11.2006 which he claimed to be illegal, unjust, arbitrary, discriminatory and amounts to victimization and unfair labour practice.

3. He further submitted that while working at Husnabad branch of the bank a charge sheet dated 18.11.2005 was issued to Petitioner by Respondent bank alleging therein that on 30.11.2005 when one of the bank borrowers of Sangareddy branch namely Mr. Y. Narsimlu of Kalbagoor village came to the branch of the bank to deposit money in his crop loan account. A sum of Rs. 9500/-

was handed over by said Mr. Y. Narsimlu to the Petitioner worker Sri P. Koteswra Rao who gave a cheque bearing No. 637614 for Rs. 9500/- to him. The customer approached the branch along with the cheque for the payment on various occasions. But the cheque was returned unpaid for want of fund.

4. The customer approached the Petitioner personally for the payment of amount but Petitioner worker threatened the customer to do whatever he likes. The above act of misconduct amounts to misappropriation and criminal breach of trust,

Under: "Clause 5(a) for Gross Misconduct: "Engaging in any trade or business outside the scope of his duties except with the written permission of the bank" and

Clause 5 (j) for Gross Misconduct: "Doing any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss."

Clause 7(g) for Minor Misconduct: "Attempt to collect or collecting money within the premises of the bank without the previous permission of the management or except as allowed by any rule or law for the time being in force."

Clause 7(l) for Minor Misconduct: "Incurring debts to an extent considered by the management as excessive."

5. It is alleged that Petitioner submitted his explanation explaining the circumstances under which he borrowed the money from Mr. Y. Narsimlu explaining that he is a handicapped person and a patient of epilepsy. His daughter has undergone caesarian operation. For treatment of his daughter he borrowed a sum of Rs. 10000/- from Mr. Y. Narsimlu and after deducting Rs. 500/- he paid Rs. 9500/- to the Petitioner. Petitioner further stated that he issued a cheque for Rs. 9500/- and the entire amount was paid by Petitioner to Mr. Y. Narsimlu. Mr. Y. Narsimlu has also withdrawn his complaint stating therein that the complaint was made by him due to mistake and he further stated that he received back his money. Even then, Enquiry Officer was appointed. Further management failed to produce Mr. Y. Narsimlu or his complaint during the enquiry proceeding and the matter could not be proved due to non-production of the complaint and the complainant. The Enquiry Officer submitted enquiry report without any proof which was vitiated. The order on the basis of such lopsided enquiry is illegal, arbitrary, baseless and violative of principles of natural justice and deserves to be quashed.

6. Counter statement was filed by the bank management and it was admitted that Petitioner was appointed as Daftary. It is further admitted that he was charge sheeted for financial irregularities committed at Atmakur branch in the year 1992. It was admitted that

Petitioner has issued cheque to Mr. Y. Narsimlu on 31.1.2005 and Mr. Y. Narsimlu made a complaint to the branch authorities against Petitioner. On the basis of that complaint enquiry was conducted in which charge was admitted by the Petitioner during course of enquiry. Though Petitioner stated that he has already made the payment. He further stated that 30.1.2005 was Sunday and bank was closed on that day, he did not issue cheque to him on 30.1.2005. He challenged the proceeding, finding of the Enquiry Officer but the bank has followed due process of law, conducted fair and proper enquiry since Petitioner has committed monetary misconduct, he was compulsorily retired from the service.

7. Before hearing the parties under Sec. 11A of the Industrial Disputes Act, 1947, the question of validity and legality of domestic enquiry was considered as a preliminary point and this Tribunal on 30.8.2010 has concluded that the enquiry alleged to be conducted by the management was illegal and invalid and this Tribunal directed the case to be listed for the evidence of the Respondent on 22.10.2010.

8. However, no evidence was led by the management and the management evidence was closed by this Tribunal on 20.2.2011. Petitioner was ordered to adduce his evidence. Petitioner has filed the affidavit of workman as examination in chief and has filed 27 documents which has been marked by him as Ex. W1 to W27. None appeared from the side of the Respondent to cross examine the Petitioner worker and the right of cross examination of the Petitioner was forfeited by this Tribunal. The matter was posted for argument.

9. It is pertinent to mention that Respondent did not choose to participate in the argument also and the matter was heard from Learned Counsel for the Petitioner.

10. It has been argued by Learned Counsel for the Petitioner that this Tribunal has already held that enquiry conducted in this case by Respondent management to be illegal and invalid and no further evidence has been produced by Respondent management before this Tribunal, then, it is a case of no evidence from the side of the Respondent and in absence of any evidence it can not be said that Petitioner worker has committed any monetary misconduct or gross misconduct as mentioned in Clause 5(a), 5(j), 7(g) and 7(l) of the bank's regulations. I am in agreement with the Learned Counsel for the Petitioner worker that this Tribunal on 30.8.2010 has concluded that the domestic enquiry conducted by the management is illegal and invalid. Thus, finding arrived at by the Enquiry Officer can not be sustained because the finding arrived by the Enquiry Officer was based on no evidence or unacceptable evidence.

11. It has further been argued by the Learned Counsel for the Petitioner worker that the allegation of the

misconduct was lodged on the basis of the complaint made by Mr. Y. Narsimlu of Kalbagoor village, but, said Mr. Y. Narsimlu was neither produced before the Enquiry Officer nor the complaint made by him was presented before the Enquiry Officer. Moreover, the Petitioner worker has filed xerox copy of the complaint alleged to have been made by Mr. Y. Narsimlu as Ex. W1 and W2. Why this complaint was not produced before the

Enquiry Officer by management is a matter of great concern because the enquiry proceeding was initiated on the basis of this complaint, then it was the duty of the management to produce this document before the Enquiry Officer. Not only that it was the duty of the management to prove this document before the Enquiry Officer. The alleged complaint of Mr. Y. Narsimlu was not produced before the Enquiry Officer as claimed by the Petitioner worker who has stated on oath before this Tribunal and management has not dared to cross examine the Petitioner worker before this Tribunal. Not only that the Petitioner worker has filed ex. W6 a letter dated 30.10.2005 made by Mr. Y. Narsimlu addressed to Bank Manager, Sangareddy branch stating therein that he has received money from Sri P. Koteswar Rao and he is taking back his complaint. He has further stated that he may be forgiven as he has made complaint by mistake and requested to give back his complaint. This paper has been proved by the Petitioner worker before this Tribunal. He has further proved Ex. W8 to W27 but bank management has not been able to produce enquiry proceeding book or reasons why alleged complainant Mr. Y. Narsimlu or his complaint date 30.7.2005 has not been produced before the Enquiry Officer. Thus, the Learned Counsel for the Petitioner has argued that there was no evidence Enquiry Officer to prove guilt of Petitioner and arrive at a finding to this effect in that case the imposition of punishment of compulsory retirement is illegal, arbitrary and violative of principles of natural justice which further amounts to victimization and unfair labour practice and deserves to be quashed. **He has relied on the case law reported in 2009 (2) SCC page 570 in the matter of Roop Singh Negi Vs. Punjab National Bank and others wherein the Hon'ble Supreme Court of India has held that mere production of document is not enough and domestic enquiry proceeding is a quasi-judicial proceeding. The content of the document has to be proved by examining the witness.** In the present case neither the content of the complaint was proved by examining the witness nor the complainant himself was produced before the enquiry Officer as such, the domestic enquiry was not conducted in a fair manner.

12. He has further relied on the case law reported in 2011(3)ALD Page 536 in the matter of Divisional Electrical Engineer Vs. A.P. Transco Ltd., Guntur and another Vs. Labour Court, Guntur wherein non-examination of the witness on behalf of the employer to prove the content of the allegation was held to be a

serious defect and the finding was held to be perverse. Learned Counsel for the Petitioner has argued that in the present case the Tribunal has already held that enquiry proceeding was held as invalid thereby the finding of the Enquiry Officer is based on no evidence as such, it is perverse in the eye of law. So the punishment on the basis of such perverse finding can not sustain in the law and deserves to be quashed.

13. I have considered the above argument of Learned Counsel for the Petitioner worker and has also gone through the entire documentary and oral evidence of the Petitioner from which this Tribunal is of the opinion that the management has not produced any evidence either before Enquiry Officer or before this Tribunal to establish that Mr. Y. Narsimlu made any complaint before the bank management that he was given an cheque of Rs. 9500/- which could not be cashed for want of fund. Secondly, neither the complaint nor Mr. Y. Narsimlu was produced either before the Enquiry Officer or before this Tribunal to substantiate the charge levelled against the Petitioner as such, this Tribunal is of the considered opinion that there is no evidence against the Petitioner that he received Rs. 9500/- from Mr. Y. Narsimlu in connection with the banking transaction or he issued a cheque of Rs. 9500/- to Mr. Y. Narsimlu which was dishonoured by the bank for want of adequate funds. As against this fact, there is application or Mr. Y. Narsimlu Ex. W6 wherein he has stated before the Bank Manager that he does not want to proceed further on the basis of his alleged complaint dated 30.7.2005 because it was moved due to mistake. He has received back his money from Mr. P. Koteswar Rao and he does not want to pursue the case and his complaint be returned back to him. This prove that as alleged by the Petitioner he has borrowed Rs. 9500/- from Mr. Y. Narsimlu as personal loan and he has paid back that amount to Mr. Y. Narsimlu. This personal transaction was not related with banking transaction as such, it does not come within the purview of "Engaging in any trade or business outside scope of duty" the misconduct provided in Clause 5(a), 5(j), 7(g) & 7(1) and thus, on the basis of the case law cited by Learned Counsel for the Petitioner worker this Tribunal is of the opinion that the punishment of compulsory retirement imposed by the management on the Petitioner worker is neither legal nor justified. Point No. 1 is decided accordingly.

14. **Point No. (II):** This Tribunal is of the opinion that the punishment is neither legal nor justified as such, the punishment of compulsory retirement deserves to be quashed and Petitioner is entitled to be reinstated into service with back wages. Point No. (II) is decided accordingly.

15. From the above discussion, it is concluded that the action of the management of M/s. UCO Bank, Hyderabad in imposing the punishment of termination from services by way of compulsory retirement w.e.f. 13.11.2006

on Shri P. Koteswar Rao, Daftary, Sangareddy branch is not justified. Hence, Management of M/s UCO Bank Hyderabad is directed to reinstate the Petitioner Sri P. Koteswar Rao, Daftary into service with back wages within two months after publication of this award. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 13th day of September, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner

Witness examined for the Respondent

WW1: Sri P. Koteswar Rao

NIL

Documents marked for the Petitioner

- Ex. W1 : Copy of complaint given by Mr. Y. Narsimlu dt. 30.7.2005
- Ex. W2 : Translation copy of ex. W1
- Ex. W3 : Cheque No. 631614 issued to Mr. Y. Narsimlu by WW1 dt. 30.1.2005
- Ex. W4 : Receipt to amount received by Mr. Y. Narsimlu
- Ex. W5 : Postal receipt of RPAD letter of withdrawing of complaint sent to R.M. of Respondent
- Ex. W6 : Copy of lr dt. 31.10.2005 withdrawing the complaint dt. 30.7.2005
- Ex. W7 : Translation letter to Ex. W6
- Ex. W8 : Copy of explanation to charge sheet dt. 26.11.2005
- Ex. W9 : Copy of lr. given to Respondent bank, requesting to give the copy of SB A/c No. 23888, pertaining to cheque No. 631614
- Ex. W10 : Copy of lr. of Vigilance officer, HQ dt. 15.6.2006
- Ex. W11 : Copy of lr. to ALC(C), Hyderabad by UCO Bank Empl. Assn. dt. 16.10.2006
- Ex. W12 : Minutes of conciliation dt. 1.11.2006
- Ex. W13 : Proceeding of personal hearing of Petitioner dt. 30.10.2006
- Ex. W14 : Statement of account of complainant Mr. Y. Narsimlu reg. crop loan

- Ex. W15 : Copy of appeal dt. 31.1.2007
- Ex. W16 : Copy of representation of Petitioner to the Appellate Authority to furnish document 29.1.2007
- Ex. W17 : Office copy of Submission by Petitioner to the Appellate Authority dt. 31.1.2007
- Ex. W18 : Proceeding of personal hearing between Petitioner and the Appellate Authority dt. 31.1.2007
- Ex. W19 : Copy of charge sheet issued to Mr. M. Venkateshwarlu PFM No. 34500, ALPMO dt. 24.1.2004
- Ex. W20 : Copy of final order issued by Respondent on charge sheet dt. 24.1.2004 (Ex. W19)
- Ex. W21 : Copy or order of Disciplinary Authority in the charge sheet dt. 30.12.2003 issued to E. Kesava Rao, PFM No. 19278 Special Assistant dt. 28.4.2004
- Ex. W22 : Copy of lr. by Enquiry Officer to Disciplinary Authority dt. 12.7.2007 in the charge sheet issued J. Bhagavan PE No. 16884 dt. 12.7.2005
- Ex. W23 : Copy of Disciplinary Proceedings against Sri T.K. Vishweswara Rao PF No. 13157 dt. 20.1.2007
- Ex. W24 : Copy of final order issued by Disciplinary Authority on the charge sheet dt. 29.11.2005 to Mr. J. Bhagawan PFM No. 16884, dt. 16.6.2006
- Ex. W25 : Copy of circular by Respondent making rules for initiating Disciplinary Proceedings against employees whose cheques are returned for want of funds
- Ex. W26 : Copy of Memorandum of Settlement on disciplinary action procedure for workmen signed between Indian Banks' Association and Workmen Union
- Ex. W27 : Copy of Memorandum of Settlement on disciplinary action procedure for workmen signed between Indian banks' Association and workmen Union at Mumbai dt. 10.4.2002.

Documents marked for the Respondent

NIL

नई दिल्ली, 25 नवम्बर, 2011

का.आ. 3822.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/74/2002 को प्रकाशित करती है जो केन्द्रीय सरकार को 23-11-2011 को प्राप्त हुआ था।

[सं. एल-12012/347/1995-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 25th November,

S.O. 3822.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1945), the Central Government hereby publishes the Award (*Ref. No. CGIT/NGP/74/2002*) of the Central Government Industrial Tribunal/Labour Court, **NAGPUR** now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of **INDIAN BANK** and their workman, which was received by the Central Government on 23/11/2011.

[No. L-12012/347/1995-IR(B-II)]

SHEESH RAM, Section Officer

ANNEXURE

**BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT,
NAGPUR**

Case No. CGIT/NGP/74/2002

Date: 28.10.2011.

Party No. 1 : The Asstt. General Manager,
Indian Bank, Regional Office,
Progress House, 54, Wellesly Road,
Pune, Maharashtra

Versus

Party No. 2 : Shri Arvind V. Katala, R/o. Kandri,
Kanhani, Tah. Parsheoni, Distt.
Nagpur (M.S.)

AWARD

(Dated : 28th October, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government had referred the industrial dispute between the employers, in relation to the management of Indian Bank and their workman Shri Arvind V. Katala, to CGIT-Cum-Labour Court Jabalpur for adjudication, as per letter No. L-12012/347/95-IR(B-II) dated 07.05.1997, with the following schedule:—

"Whether the action of the management of Indian Bank and through its officers in terminating/discontinuing the services of Shri Arvind V. Katala, Peon/Sweeper at Kamptee colliery Branch (Nagpur District) w.e.f. 10.05.1993 is legal and justified? If not, to what relief the workman is entitled and what directions are necessary in the matter?"

Subsequently the case was transferred to this Tribunal for disposal in accordance with law.

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, the workman, Shri Arvind V. Katala ("the workman" in short) filed the statement of claim and the management of Indian Bank ("party no. 1" in short) filed the written statement.

3. The case of the workman as projected in the statement of claim is that he was in the service and employment of the party no. 1 w.e.f. 28.12.1990 as a peon and the party no. 1 without following the due procedure of law, terminated his services w.e.f. 10.05.1993. It is further pleaded by the workman that though he was engaged as a peon, a class IV employee on temporary basis by party no. 1 of 28.12.1990, no order of appointment was issued and the benefits of casual leave, medical leave etc. and benefits of provident fund and E.S.I. Scheme were not provided to him, even though he was entitled for the same and the post of peon occupied by him was a permanent post and after the termination, the party no. 1 engaged another employee in that post on temporary basis, which clearly shows that the party no. 1 mala fide and intentionally terminated his services by oral order w.e.f. 10.05.1993, as he demanded to provide him the facilities of medical and casual leave, benefits of provident fund and ESI scheme and regular salary, and he was being paid only Rs. 100/- per month as salary. The further case of the workman is that he was also compelled to do the work of peon for about 15 to 20 days in a month and he was being paid of Rs. 20/- per day for additional work and his performance was satisfactory, which can be found from the certificate granted by the Manager of the Branch and Manager of Kamptee colliery Branch vide letter dated 09.09.1992 had recommended for giving him permanent status. The workman has prayed for reinstatement in service with continuity and full back wages.

4. The party no. 1, in its written statement has pleaded *inter-alia* that the workman was engaged purely on casual and adhoc need basis from 28.12.1990 for limited purpose, mainly for cleaning the branch premises and he did not work continuously and his engagement was not against regular or permanent post and there is a procedure for engagement of temporary sub-staff and appointment in sub-staff cadre in the Bank and as per the Rules of the Bank, the Zonal Manager is the appointing authority and the engagement of the workman was not authorized or

approved by the Zonal Manager and he was engaged by the Branch Manager on casual basis and the government of India in the year 1990 had imposed ban on employment of temporary sub-staff in the Bank and there are several guidelines for appointment of sub-staff in the Bank and as per the guide lines, the posts of sub-staff are to be filled up only on the basis of seniority of the persons selected and kept in the panel of temporary sub-staff and as per the Rules governing the recruitment, creation of temporary sub-staff panel, the Bank is required to send a requisition to the employment exchange calling for list of eligible candidates and before initiating the process of selection, the branch has to obtain the permission from appointing authority and on the basis of the list sponsored, selection is to be made by the duly constituted committee, consisting of the Regional Manager, Branch Manager and an officer nominee, after interviewing the candidates and the list of the selected candidates is to be forwarded to the appointing authority, who in turn is to finalise the candidates on the basis of the recommendations made by the Regional Manager and after duly considering the marks secured in the interview, for the purpose of keeping them in temporary sub-staff panel and whenever there is leave vacancy or exigencies of services, persons from the said panel, on the basis of seniority are to be engaged by the Branch Manager and on the basis of vacancy position, the posts are to be filled in on regular basis as per seniority and there is no rule authorizing the branch manager to make appointment and the mere engagement of the workman by the Branch Manager on daily wages, day to day basis does not entitle the workman for empanelment or for absorption in the services of the Bank and the workman left the job on his own and did not make him available for the same and workman left the job on his own there was no question of retrenchment and did not arise and the workman is not entitled to any relief.

5. In his rejoinder, the workman has pleaded that the Branch Manager was the competent authority to engage him in services and from the date of his engagement till the impugned termination, the zonal manager did not object about his continuation in service and he had completed more than 240 days of work in a year and was protected under section 25 F and 25-G of the Act and there was no ban on employment as pleaded by the management and from time to time, party no. 1 regularised the services of some other workmen like him, but did not regularize his services and by way of victimization, his services were terminated and as such, the order of termination is liable to be quashed and set aside and the party no. 1 did not take the stand before the labour of court in the ULPA proceedings or before the Hon'ble High Court or in the conciliation proceedings regarding his leaving the job on his own accord and such pleading is an afterthought and a frivolous and false plea.

6. Besides placing reliance on the documentary evidence, the parties have adduced oral evidence in support of their respective claims. The workman has examined himself as a witness in support of his claims. One P.N. Subramanian has been examined as a witness on behalf of party no. 1.

In his examination-in-chief, which is on affidavit, the workman has reiterated the facts mentioned by him in the statement of claim and in the rejoinder. However, in his cross-examination calling application for the post against which, he was appointed and his name was not called for from the employment exchange and he has no document to show that he was interviewed by the manager only and not by any committee. He has further admitted that he did not receive any appointment order and he has no knowledge about the recruitment procedure of the Bank and what is the qualification required for the post of peon and exhibit W-1 is an application filed by him and in the application, he had mentioned his educational qualification as class VI failed, even though, at that time he was a matriculate. It is further stated by the workman in the cross-examination that he does not know if the manager has no power to appoint any employee and the appointing authority is the Recruitment Board and he did not receive any interview call from the Bank and document Exhibit W-3 was issued by the Bank on his request, as he was in search of service and he has not filed any document to show that another person was appointed in his place and he was getting monthly as well as on daily basis payment and the Manager used to ask him to file a voucher for the salary and he had not signed any attendance register and Bank did not issue any termination letter.

7. The evidence of the witness examined on behalf of the party no. 1 is in the same line as taken by party No. 1 in the written statement. In his examination-in-chief, the witness for the party No. 1 has stated that the workman was engaged purely on casual basis for cleaning the branch premises and there was no appointment order engaging him in the post of peon and the workman had not completed 240 days of service as alleged by him. In his cross-examination, the witness has denied the suggestions that the workman worked continuously for 240 days in every year during his tenure and that the Branch Manager is the competent authority to appoint the employees in class IV category.

8. At the time of argument, it was submitted by the learned advocate for the workman that the workman was engaged by the Branch Manager of Kamptee colliery branch on 28.12.1990 against the vacant post of peon and he worked in the Bank continuously till 10.05.1993 and the workman had completed 240 days of work in every calendar year, but the party No. 1 terminated his services on 10.05.1993, without following the mandatory provisions of section 25-F of the Act and neither one month's notice

nor one month's wages in lieu of notice nor retrenchment compensation was paid to the workman before termination of his services and as such, the termination is illegal and the workman is entitled to reinstatement in service with continuity and full back wages.

9. Per contra, it was argued by the learned advocate for the party No. 1 that the workman was engaged by the Branch Manager on casual basis to clean the branch premises and the Branch Manager was not competent to engage the workman and the initial engagement of the workman itself is illegal and as such, there is no question of regularization or reinstatement of the workman in service and the workman left the job on his own accord and he also did not complete 240 days of work preceding the 12 calendar months of the date of the alleged termination of services and as such, application of the provision of section 25-F of the Act does not arise and the workman is not entitled to any relief.

In support of such contentions, the learned advocate for the party No. 1 placed reliance on the decisions reported in (200) 3 SCC-485 (DR. Chanchal Goyal Vs. State of Rajasthan), (2004 7 SCC-112 (A. Umarani Vs. Registrar Co-operative Societies), 2006 (6) SCALE-101 (National Fertilizer Vs. Somvir Singh), 2006 (4) SCALE-197 (Secretary, State of Karnataka Vs. Umadevi) and many others.

Keeping in view the principles enunciated by the Hon'ble Apex Courts in the decisions, on which reliance has been placed by the learned advocate for the party No. 1, the present case at hand is to be considered.

10. The workman has claimed that he was appointed by the Branch Manager of Kamptee colliery Branch of Bank of India on 28.12.1990 as a peon, as the post of peon was lying vacant and his services were terminated by the party No. 1 orally on 10.05.1993 and though he had completed more than 240 days of work on every calendar year, the party No. 1 terminated his services without compliance of the mandatory provision of section 25-F of the Act and as such, his termination from services is illegal. On the other hand, it is the case of the party No. 1 that the workman was engaged by the Branch Manager casually for the purpose of cleaning the premises of the Bank and the manager was not competent to engage the workman and the workman did not complete 240 days of work in the calendar year preceding the alleged date of termination and the workman left the work on his own accord and as the initial engagement of the workman was illegal the workman is not entitled for any relief.

11. At this juncture, it will not be out of place to mention that though the workman has claimed that he was engaged as a peon in the Bank, the documents filed by him do not support such claim, rather, the documents filed by the workman himself demolish the claim of the workman.

The first document filed by the workman is the copy of his application dated 09.09.1992. The said document has been marked as exhibit W-1. In exhibit W-1, the workman has mentioned that he was initially engaged as a temporary part time sweeper in the branch on 28.12.1990. In exhibit W-1, he had mentioned his education qualification as 6th failed, even though, he was a matriculate at that time, which is clear from his admission in the cross-examination. Exhibit W-2 is a copy of the forwarding letter of the Branch Manager, under which, the application submitted by the workman was forwarded to Zonal Manager for necessary action. In exhibit W-2 also, it has been mentioned that the workman was being engaged as temporary sweeper from 28.12.1990, on payment of wages of Rs. 100/- per month. Exhibits W-1 and W-2 clearly show that the workman was engaged as a part time sweeper and not as a peon as claimed by him.

Exhibit W-3 is the copy of the certificate granted by the Branch Manager on 08.05.1992. On perusal of Exhibit however, the contents of Exhibit W-3 that, the workman was working as a temporary peon is not correct, in view of Exhibits W-1 and W-2.

12. In this case, the claim of the workman is that he had worked for 240 days in every calendar year and as such compliance of the mandatory provisions of section 25-F was necessary before termination of his services. The Hon'ble Apex Court in number of decisions including in the decisions reported in AIR 1966 SC-75 (Employees in relation to Digwadih colliery Vs. Their workmen), AIR 2002 SC-1147 (Range Forest Officer Vs. State of Karnataka) and AIR 2005 SC-2179 (Manager, Reserve Bank of India Vs. S. Mani) have enunciated the principles governing the application of section 25-F of the Act.

In the judgment reported in AIR 1966 SC-75 (Supra), the Hon'ble Apex Court have held that:—

"Industrial Disputes Act (14 of 1947), S.25F, S25B, S.2(eee) (as amended) by Industrial Disputes (Amendment) Act (1964)-Expression "Continuous service for not less than one year" in S.25-Meaning-Effect of amendment in 1964.

Though S.25F speaks of continuous service for not less than one year under the employer, if the workman has actually worked for 240 days @page-SC76 during a period of twelve calendar months both the conditions are fulfilled. The definition of "continuous service" need not be read into section 25B. The fiction converts service of 240 days in a period of twelve calendar months into continuous service for one complete year. The amendment S.25B only consolidates the previous Ss.25B and 2(eee) in one place, adding some other matters. The purport of the new provisions, however, is not different. In fact the amendment of S.25F of the Principal Act by substituting in Cl.(b) the words for "every completed year of continuous service in

place of the words "for every completed year of service" has removed a discordance between the unamended S.25B and the unamended cl.(b) of S.25F. No uninterrupted service is necessary if the total service is 240 days in a period of twelve calendar months either before these several changes or after these. The only change in the Act is that this service must be during a period of twelve calendar months preceding the date with reference to which calculation is to be made. The last amendment has now removed a vagueness which existed in the unamended S.25B."

In the judgment reported in AIR 2002 SC-1147 (Supra), the Hon'ble Apex Court have held that:—

"Industrial Disputes Act (14 of 1947), Ss.25F, 10-Retrenchment compensation-Termination of services without payment of—Dispute referred to Tribunal—case of workman/claimant that he had worked for 240 days in a year preceding his termination—Claim denied by management—Onus lies upon claimant to show that he had in fact worked for 240 days in a year—In absence of proof of receipt of salary or wages or record of appointment, filling of an affidavit by workman is not sufficient evidence to prove that he had worked for 240 days in a year preceding his termination.

In the instant case, dispute was referred to the Tribunal that the claimant/workman had worked for 240 days and his service had been terminated without paying him any retrenchment compensation. It was the case of the claimant/workman that he had so worked but this claim was denied by the management. It was then for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. Filing of an affidavit is only his own statement in his favour and that cannot be regarded as sufficient evidence for any court or Tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. No proof of receipt of salary or wages for 240 days or order or record of appointment or engagement for this period was produced by the workman. Burden cannot be placed on management to show that there was justification in termination of service without first determining on basis of cogent evidence that workman/claimant had worked for more than 240 days in a year preceding his termination."

In the judgement reported in AIR 2005-SC-2179 (Supra) the Hon'ble Apex Court have held that:—

"Industrial Disputes Act, 1947 - Ss. 25-F, 25-N, 25-B and 11 - 240 days' continuous service — Onus and burden of proof with respect to - Evidence sufficient to discharge — Failure of employer to prove a defence (of abandonment of service) if sufficient or amounted to an admission, discharging the said burden — Held, initial burden of proof in on workmen to show that they had completed 240 days of service — Onus of proof does not

shift to employer nor is the burden of proof on the workman discharged, merely because employer fails to prove a defence or an alternative plea of abandonment of service — Filing of affidavit of workman to the effect that he had worked for 240 days continuously or that the workman had made repeated representations or raised demands for reinstatement, is not sufficient evidence that can discharge the said burden — Other substantive evidence needs to be adduced to prove 240 days' continuous service - Instances of such evidence given. The initial burden of proof was on the workmen to show that they had completed 240 days of service. The Tribunal did not consider the question from the angle. It held that the burden of proof was upon the appellant on the premise that they have failed to prove their plea of abandonment of service. Filing of an affidavit is only his own statement in his favour and that cannot be regarded as sufficient evidence for any court or tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. Such evidence might include proof of receipt of salary or wages for 240 days or order or record of appointment or engagement for this period or the terms and conditions of his offer of appointment, or by examination of any other witness in support of his case."

So, it is clear from the principles enunciated by the Hon'ble Apex Court that for getting the protection of the provisions of Section 25-F of the Act, the workman has to prove that he worked for 240 days during a period of twelve calendar months preceding the date with reference to which calculation is to be made.

As the workman has claimed that his services were terminated w.e.f. 10.05.1993, now, it is to be found out that as to whether, the workman has been able to prove that he worked for 240 days during the 12 calendar months preceding 10.05.1993.

Besides his own affidavit, the workman had filed Exhibits W-1 to W-3 in support of his claim. The said documents show the workman to be working till 09.09.1992. Exhibit W-3 is a document dated 08.05.1992 and the said document shows the workman working till 08.05.1992. Exhibit W-2 does not show that the same was written by the Branch Manager to give permanency to the workman as claimed by him. As already mentioned earlier, under the said letter, the application of the workman was forwarded to Zonal Office for consideration. Those documents do not show that the workman had worked for 240 days in the preceding 12 calendar months of 10.05.1993. There is not other evidence on record in support to the claim of the workman. So, it is found that the workman has failed to prove that he had worked for 240 days in the preceding 12 calendar months of 10.05.1993. Therefore, the provisions of section 25-F of the Act are not applicable to the case.

13. In this case, it is not disputed that the workman was engaged by the Branch Manager without any

advertisement or without any intimation to the employment exchange. It is clear that the engagement of the workman was not in accordance with the Recruitment Rules of the Bank. Such engagement, in violation of the Rules renders the same as nullity.

Judging the case of the workman with the touch stone of the principles enunciated by the Hon'ble Apex Court reported in 2006 (6) SCALE 101(Supra), 2006 (4) SCALE-197 (Supra) and in other decisions cited by the learned advocate for party no. 1, it is found that the workman is not entitled to reinstatement in service, his engagement being illegal. Hence, it is order:—

ORDER

The action of the management of Indian Bank and through its officers in terminating/discontinuing the services of Shri Arvind V. Katale, Peon/Sweeper at Kamptee Colliery Branch (Nagpur District) w.e.f. 10.05.1993 is legal and justified. The workman is not entitled to any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2011

का.अ.3823.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोक्ता और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/-72/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 23-11-2011 को प्राप्त हुआ था।

[सं. एल-12012/67/2005-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 25th November, 2011

S.O. 3823.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (*Ref. No. CGIT/NGP/72/2005*) of the Central Government Industrial Tribunal/Labour Court, **NAGPUR** now as shown in the Annexure in the Industrial. Dispute between the employers in relation to the management of **UNION BANK OF INDIA** and their workman, which received by the Central Government on **23/11/2011**.

[No. L-12012/67/2005-IR(B-II)]

SHEESH RAM, Section Officer

ANNEXURE

**BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/72/2005

Date: 24.10.2011.

Party No. 1 : The General Manager, Union Bank of India, Regional Office, 34/2, Central Bazar Rd., Ramdaspath, Nagpur.

Versus

Party No. 2 : Shri Bhagwan S/o. Lalchand Sonone, R/o Marhaba Colony, Demapure's House At. Patur, Tal. Patur, Distt. AKOLA (MS)

AWARD

(Dated: 24th October, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Union Bank of India and their workman Shri Bhagwan S/o. Lalchand Sonone, for adjudication, as per letter No.L-12012/67/2005-IR(B-II) dated 29.08.2005, with the following schedule:—

"Whether the action of the management of Union Bank of India, through its Sr. Manager (P), Regional Office, Nagpur in dismissing the workman Shri B.L. Sonone, Part time sweeper in 1/3rd scale from service w.e.f. 18.03.2004 is justified and legal? If not, then to what relief the said workman is entitled to?"

2: On receipt of the reference, the parties were noticed to file the statement of claim and written statement, in response to which, the workman filed his statement of claim and the management filed its written statement.

The workman in his statement of claim has pleaded that he was engaged as a part time sweeper on a permanent basis on 8.1.1987, by the Union Bank of India, with a monthly salary of Rs. 2100/- and his eighteen years of service record was clean and unblemished, but on 18.3.2004, he was dismissed from service, for his alleged misconduct and the charges leveled against him were absolutely false and baseless and on 6.1.1991, he was transferred from Kurankhed branch to Patur branch and while he was working in Patur branch, Shri Anand Kohad, the accountant used to torture and harass him without any reason and made false allegations of not filling water in the air cooler, speaking loudly with customers, not obeying the orders of the superior etc. through his only duty was to maintain cleanliness in the Bank premises, for which, the management submitted a charge sheet containing the charges of not obeying the orders of the superior, doing acts prejudicial to the interest of the Bank and consuming alcohol within the bank premises and one Shri Hemanta

Choudhary conducted the departmental enquiry with a bias attitude, without giving him proper opportunity to defend the case and without following the principles of natural justice and though he had requested the Inquiry Officer to allow him to defend his case through his representative, Shri L.P. Nandanwar, his request was rejected and such act of the Inquiry Officer was against the principles of natural justice and the enquiry was totally illegal, improper and against the principles of natural justice and during the enquiry, within a period of two days i.e. on 12.12.2003 and 13.12.2003 seven witnesses were examined by the management, without any adjournment and giving proper opportunity to him and necessary documents and list of witnesses of the management were not supplied to him and the witnesses were examined in presence of each other, causing prejudice to him and on that ground, the enquiry is vitiated and recording of the evidence of the witnesses was not in accordance with law and though, he requested to conduct the proceeding in a vernacular language, as he does not know English, the Inquiry Officer proceeded with the enquiry in English and the findings of the Inquiry Officer are perverse and the punishment is surprisingly disproportionate to the nature of the misconduct alleged against him and bad in law and he preferred an appeal before the Appellate Authority on 7.4.2004 and in order to save his service, he repented for his acts and requested for withdrawal of the order of dismissal and to impose lesser punishment, but on 3.6.2004, the appeal was rejected, so he approached the Labour Commissioner (Central), Nagpur for redressal and as the conciliation failed, failure report was submitted to the Central Government by the A.L.C.(C), Nagpur. The workman has prayed for setting aside the order of dismissal, for his reinstatement in service with continuity of service and full back wages.

3. The management in its written statement has admitted about the appointment of the workman on 8.1.1987 as part time sweeper at Kurankhed branch, but has denied all other allegations made by the workman, pleading *inter-alia* that the behaviour of the workman was very aggressive, hence a memo came to be issued to the workman on 10.6.1988 and in due course of time, the workman, on his request was transferred to Patur Branch, Akola w.e.f. 31.8.1991 and the workman made false complaint against the Branch Officer was Regional Controller, for which a letter came to be issued to the workman and the workman by his letter dated 5.12.1994, requested for excuse and assured that he would not commit mistake in future and on 24.3.1995, punishment of censure was imposed on the workman for interference in Bank's work, on 23.12.1998, punishment of reduction of scale of pay by two stages was imposed against him for disturbing Bank's business, after holding due enquiry, on 31.10.2000, explanation was sought from the workman for disturbing in banking business and on 1.10.2003, explanation was sought from the workman for various misconduct

committed on 30.7.2003, 14.9.2003 and 30.9.2003 for insubordination, misbehaviour under the influence of liquor, disturbing banking business and threatening the staff of the branch and the workman was charge sheeted on 1.10.2003, for gross and minor misconducts, containing the charges of doing acts prejudicial to the interest of the bank, willful misubordination and disobedience of lawful and reasonable orders of the management, drunkenness and indecent behaviour in the premises of the bank, unsatisfactory behaviour during working hours and neglect of work and negligence in performing duties and the workman filed his reply, but as the bank was not satisfied with the reply decided to hold enquiry against the workman and on 13.11.2003, Shri H.V. Choudhary was appointed as the Inquiry Officer to enquire into charges leveled against the workman and by the letter 22.11.2003, the workman was intimated about holding of the enquiry on 12.12.2003 and the enquiry commenced on 12.12.2003 and before commencement of the enquiry, the Inquiry Officer asked the workman about his representation by any defence representative but the workman declared himself to be competent enough to defend his case himself and of his not requiring any defence representative to defend him and cross-examined the four witnesses examined from the side of the management on 12.12.2003 to his satisfaction and the workman examined three witnesses in support of his case and full and fair opportunity was given to the workman to defend his case and all the documents relied on by the bank were supplied to the workman and the proceedings of the enquiry were also promptly supplied to him and on 17.2.2004, the workman submitted written notes in his defence and on 5.3.2004, the Inquiry Officer after taking into consideration all the materials on record and the facts and circumstances of all case, came to the conclusion that the charges against the workman have been proved and the workman was asked to file his say on the proposed punishment and was also granted personal hearing on 17.3.2004 and he was dismissed from service vide order dated 18.3.2004 and on 7.4.2004, the workman filed an appeal against the order of dismissal from service and in the appeal, the workman admitted the misconduct and on 26.5.2004, the workman was granted personal hearing by the Appellate Authority and after considering the materials on record, the Appellate Authority came to independent conclusion that the charges leveled against the workman have been proved and confirmed the punishment imposed by the Disciplinary Authority. It is also pleaded by the management that all the documents about the previous misconducts of the workman were produced in the inquiry and the findings of the Inquiry Officer are not perverse and the enquiry was conducted by following the principles of natural justice and the witnesses were not examined in presence of each other and such allegation is vague and the same is raised for the first time by the workman and the enquiry was conducted in Hindi but the minutes of the enquiry were recorded in English and had the workman

not been understood the proceeding of the enquiry, he would not have cross-examined the management witnesses to his satisfaction, which clearly shows that all the allegations have been leveled, out of vengeance and the punishment imposed is fair, just and not surprisingly disproportionate to the misconduct and there is no question of victimization of the workman by the management or staff of the bank and the dismissal order was passed by the Disciplinary Authority appointed by the bank in terms of banks circular No. 4846 dated 24.4.2002 and as such, there is no question of setting aside the order of dismissal on that score and the enquiry has been done in fair and impartial manner following all principles of natural justice.

4. It is necessary to mention here that as this is a case of dismissal of the workman from services, after holding of a departmental enquiry, the legality of the departmental enquiry was taken for consideration as a preliminary issue and by order dated 01.12.2010, the enquiry was held to be legal and proper.

It is also necessary to mention here that as neither the workman nor his advocate appeared in the case to make argument regarding the perversity of the findings and quantum of punishment, the case proceeded *ex parte* against the workman.

5. It was argued on behalf of the party no. 1 that by order dated 01.12.2010, the enquiry has been held to be legal and proper and the workman had been appointed as a part time sweeper on 08.01.1987 at Kurankhed Branch and a memo was issued to him on 10.06.1988 for his aggressive behaviour and on the request of the workman, he was transferred to Patur Branch, Akola on 31.08.1991 and the workman made false complaint against the Branch Officer and for that subsequently he begged excuse in writing and assured not to commit mistake in future and on 23.03.1995, punishment of censure was imposed on the workman for interference in the work of the Bank and on 23.12.1998, punishment of reduction of scale of pay by two stages imposed for disturbing in Bank's business, after holding due enquiry and on 31.10.2000 explanation was sought from the workman for causing disturbance in the business of the bank and the workman was in habit of committing misconduct and the enquiry officer after considering all the facts and materials on record, came to the conclusion that the charges against the workman have been proved and the findings of the enquiry officer are based on the evidence produced before him in the enquiry and the same are not perverse and the punishment is not shockingly disproportionate to the serious misconduct committed by the workman, which has been duly proved in a properly conducted departmental enquiry.

In support of such contentions, the learned advocate for the party no. 1 placed reliance on the decisions reported in 2005 SCC (L&S)-1020 [Ajit Kumar Nag Vs. G.M. (P.J.) I.O.C.], AIR 1970 SC-1255 (State of Assam Vs. Mahendra

Kumar Das), 1999 LIC 2819(SC) (B.O.I. Vs. D. Suryanarayana), (2000), SC-416 (High Court of Judicature of Bombay Vs. V.S.S. Patil), 1998 LIC-2514 (Union Bank of India Vs. Viswas Mohan and many others).

Keeping in view the principles enunciated by the Hon'ble Courts in the decisions cited by the learned advocate for the party no. 1, now, the present case at hand is to be considered.

6. On perusal of the documents relating to the proceedings of the departmental enquiry, it is found that the enquiry officer has objectively analysed the evidence adduced by the parties in the departmental proceeding and his findings are based on such evidence. Cogent reasons have been assigned by the enquiry officer in support of his findings. It is not a case of no evidence. Hence, it cannot be said that the findings of the enquiry officer are perverse. Looking to the facts and circumstances of the case, the past record of the workman and that grave misconducts have been proved against him in a proper and fair departmental enquiry, the punishment imposed against him is found to be not shockingly disproportionate. There is no ground to interfere with the punishment. Hence, it is ordered:—

ORDER

The action of the management of Union Bank of the India, through its Sr. Manager (P), Regional Office, Nagpur is dismissing the workman Shri B.L. Sonone, Part time sweeper in 1/3rd scale from service w.e.f. 18.03.2004 is justified and legal. The workman is not entitled for any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2011

का.आ.3824.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कार्यकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाट (संदर्भ संख्या 21/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 21-11-2011 को प्राप्त हुआ था।

[सं. एल-12011/146/2006-आई आर (बी-1)]

शीश राम, अनुभाग अधिकारी

New Delhi, 25th November, 2011

S.O. 3824.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (Ref. No. 21/2007) of the Central Government Industrial Tribunal/Labour Court, JAIPUR now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CENTRAL BANK OF INDIA and their

workman, which was received by the Central Government on 21/11/2011.

[No. L-12011/146/2006-IR (B-II)]
SHEESH RAM, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

PRESENT

N.K. PUROHIT, Presiding Officer

Case no.: 21/2007

Reference No. L.12011/146/2006=IR(B-II)
dated : 5/6/2007

The General Secretary
Rajasthan State Bank Employees Welfare Forum
Chaturvedi Bhawan, Indira Colony,
Behind Atta Temple, Alwar.

Vs

The Regional Manager,
Central Bank of India
Anand Bhawan, Sansar Chandra Road,
Jaipur (Raj.)

PRESENT

For the Union : Shri C.D. Chaturvedi

For the Management : Shri Rupen Kala

AWARD

20.10.2011

1. The Central Government in exercise of the powers conferred under clause(d) of Sub Section 1 & 2(A) of Section 10 of the Industrial Disputes Act, 1947 has referred the Industrial dispute to this tribunal for adjudication which is as under:—

"Whether the action of the management of Central Bank of India, Jaipur in dismissing the services of Shri Ramgopal Tak w.e.f. 3.2.1988 is fair & justified? If not, what relief the workmen is entitled from which date?"

2. The union in its claim statement has challenged the validity of the impugned termination order dated 3.2.88 whereby the services of the workman Sh. Ramgopal Tak were terminated by the management. The validity of the said order has been challenged on the ground of violation of principles of natural justice in the disciplinary proceedings held against the workman.

3. While denying the claim of the union the management in its reply to the claim statement & application dated 17.5.2010 has raised a preliminary objection regarding

maintainability of the claim of the union on the ground of principle of res-judicat.

4. Heard both the parties on the preliminary objection raised on behalf of management

5. The learned representative for the management has contended that preliminary objection regarding maintainability of the claim on the ground of res-judicata should be decided first. He had further contended that if preliminary objection is accepted, then nothing remains to decide on merits. He has relied on (2007) 15 SCC 722.

6. The learned representative on behalf of the union has contended that the preliminary issue cannot be decided first. The tribunal is required to dispose of all the issues simultaneously. In this regard he has relied on 1983 SCC (L&S) 527 & 1996 SCC(L&S) 687.

7. I have given thoughtful consideration on the rival submissions of the parties.

8. In 1996 SCC(L&S) 687 National Council for Cement & Building Materials V/s State of Haryana & others, the preliminary objection was raised that apparent establishment was not an 'industry'. With consent of the parties the Tribunal framed additional issue as to whether the reference was bad in law. Originally this issue was to be decided as preliminary issue but by a subsequent order the Tribunal decided to hear it along with other issues on merits. The order was challenged before High Court but Hon'ble Apex Court relying upon earlier decisions including decision of larger Bench in 1983 SCC (L&S) 527 held that the decision of the High Court is fully in consonance with the law laid down by the Supreme Court.

9. In 1983 SCC (L&S) 527 D.P. Mahaeshwari V/s Delhi Administration & others, which has been relied upon in decision supra the matter was pertaining to preliminary issue raised as to whether the appellant was not a workman u/s 2-s of the I.D. Act. While considering whether issues in dispute should be decided at the same time without trying some of them as preliminary issue, Hon'ble Apex Court has observed:—

"There was time when it was thought prudent and wise policy to decide preliminary issues first. But the time appears to have arrived for a reversal of that policy. We think it is better that tribunals, particularly those entrusted with the task of adjudicating labour disputes where delay may lead to misery and jeopardise industrial peace, should decide all issues in dispute at the same time without trying some of them as preliminary issues."

10. It has also been observed:—

"Tribunals as courts who are requested to decide preliminary questions must therefore ask themselves whether such threshold part —

adjudication is really necessary and whether it will not lead to other woeful consequences."

11. In present matter, the preliminary objection has been raised regarding maintainability of the claim on the ground of res-judicata. The facts of the aforementioned decision are distinguishable but in view of the above legal proposition laid down in decision supra it is to be considered whether part adjudication is really necessary in the present matter & whether it will lead to other woeful consequences.

12. Admittedly, civil suit no. 51/88 before the Additional Civil Judge, Jaipur was filed by the workman challenging the validity of the domestic enquiry conducted against him for the alleged misconduct & in that suit he sought declaration that the charge sheet dated 16.6.87, findings in enquiry dated 14.11.87 & impugned termination order dated 3.2.88 were illegal & void. In the said suit he has also prayed that he should be reinstated with all Consequential benefits. In the said suit following issues were framed in this regard:—

1 आय प्रतिवादी द्वारा वादी को दिया गया आराम पत्र 16/6/87 बिना किसी आधार के होने से अवैध एवं झूठ है।

2 आय वादी के खिलाफ जांच अधिकारी की फर्जिना दिनांक 14/11/87 गैर कानूनी एवं अवैध एवं झूठ है।

3 आय प्रतिवादी का वादी को सेवा से पुनर्स्थापना आदेश दिनांक 3/2/88 अवैध एवं झूठ है।

4 आय वादी प्रतिवादी को सेवा पुनर्स्थापना आदेश दिनांक 3/2/88 अवैध एवं झूठ होने के कारण लगातार सेवा में माना जाकर समस्त वेतन एवं लाभ पाने का अधिकारी है।

5 आय न्यायालय को वाद सुनने का अधिकार नहीं है।

6 अनुतोष।

13. On the basis of findings on the above issues against the workman, the said suit was dismissed vide judgement dated 11.12.97. The appeal no. 28/98 preferred against the said judgement before ADJ no. 2 Jaipur City was also rejected vide order dated 15.3.2002.

14. After losing battle in the civil court the workman subsequently raised an industrial dispute before the Regional Labour Commissioner for the alleged termination dated 3.2.88. On receipt of the failure report of the conciliation proceedings the Central Government referred the said dispute for adjudication vide reference order dated 5.6.2007.

15. In (2007) 15 SCC 722 referred to on behalf of the management the respondent therein was removed from service on 25.2.82. The civil suit filed by him was dismissed. The respondent challenged the order of his removal from service in writ petition which was also

dismissed on 15-12-86. The special appeal filed against the said order of the learned single judge was also dismissed 16.2.87. The order passed in the aforementioned special appeal was not challenged further. Almost seven years after the dismissal of the special appeal the respondent raised conciliation proceedings before the Labour Officer who submitted a failure report & thereafter, the respondent raised an industrial dispute before the labour court. While considering the question whether the matter could be re-agitated in labour court based on amendment in section 2-A of by Tamil Nadu Act 5 of 1988, Hon'ble Apex court observed that:—

"It is well settled that the decision inter parties which has become final binds the parties. Apart from all other questions, the respondent having suffered the order, which has become final, cannot be permitted to reopen the case again questioning the very validity of his removal from service or for that matter question the quantum of punishment."

16. Hon'ble apex Court has further observed:—

"If the plea of the respondent is allowed, it may give rise to a situation where the Labour Court even may have to examine the validity of the order passed by the Division Bench of the High Court which has become final. We are of the view that it cannot be permitted to happen."

17. In present matter the facts are almost similar. The union has challenged the validity of the removal of workman vide impugned order dated 3.2.88 on the same grounds i.e. violation of principle of natural justice. The earlier decision on the same point has attained finality. If at this stage the plea of the management raising the preliminary objections regarding maintainability of the claim on the ground of applicability of principle of res-judicata is not considered first then it may give rise to a situation where this tribunal may have to examine the validity of the order passed by the competent civil court which has become final.

18. Therefore, in view of the facts of the matter part-adjudication is necessary in the case in hand. If preliminary issue regarding applicability of principle of res-judicata is not decided first it may lead to other woeful consequences. Thus, the contention raised on behalf of the union in this regard is not sustainable.

19. The next contention of the learned representative on behalf of the union is that since in case of the union provisions of I.D. Act are applicable & services of the workman are governed by the Bi-partite settlement, the civil court was having no jurisdiction to decide the matter in controversy therefore, the order which have been passed are nullity. In this regard he has referred the settlement on the industrial disputes between certain banking companies

& their workmen dated 19.10.66 & memorandum settlements dated 10.4.2002. It has been contended that the said settlements envisages that they are binding on the banks & the workman in the manner contemplated in section 18 of the I.D. Act. He has further contended that the workman who had approached a wrong forum can still raise an industrial dispute. The decree which has been passed by the civil court has no force of law being passed without jurisdiction & the decision of the civil court as well as appellant court are nullity & in such matter the principle of res-judicata is not applicable. In this regard he has relied on 2005 SCC (L&S) 387.

20. On the contrary, the learned representative for the management submitted that the workman had availed the remedy available under the law by filing civil suit in a civil court. When he could not get desired relief there, he is trying to avail other remedy under the I.D. Act. The subject matter was same before the civil court. The matter was directly & substantially in issue in the civil suit before the civil court. The civil court was having jurisdiction to decide the matter in controversy. Therefore, principle of res-judicata is applicable in the matter in controversy. In support of his contention he has relied on 2008 5 SCC 542 Rajasthan State Road Transport Corporation & others, v/s Mohar Singh & 2009 4 SCC 299 RSRTC v/s Bal Mukund Bariwa.

21. I have given my thoughtful consideration on the rival submissions advanced by learned representatives on behalf of the parties & have also gone through the case laws referred to by them.

22. In 2005 SCC (L&S) 387 Sonapat Cooperative Sugar Mills Ltd. V/s Ajit Singh, earlier decision in (2004) 3 SCC 1 has been referred wherein it was observed that a jurisdictional question if wrongly decided, would not attract the principle of res-judicata when an order is passed without jurisdiction the same become a nullity.

23. In (2008) 5 SCC 542 Hon'ble Apex Court has held that civil court may have a limited jurisdiction in service matters but it cannot be said to have no jurisdiction at all to entertain a suit. Hon'ble court has further observed that where the right is claimed by the plaintiff in terms of common law or under a statute other than the one which created a new right for the first time and when a forum has also been created for enforcing the said right the civil courts shall also have jurisdiction to entertain a suit. When a right accrues under two statutes *vis-a-vis* the common law right employee concern will have an option to choose his forum.

24. In 2009 4 SCC 299 reference was made by a division bench of the Hon'ble Apex Court for resolution of a purported conflict in two three Bench judgments of the Apex Court in RSRTC v/s Krishnakant & RSRTC v/s Khander Mal. In the aforementioned two decisions the suits were filed by the respondents therein, *inter alia* on the premise that termination of their services were in violation

of the principle of natural justice. While considering the above conflicting decisions Hon'ble Apex Court has held that:—

"The question as to whether in a case of this nature where violation is alleged as regards compliance with principles of natural justice either on common law principles or in terms of the statutory regulations framed by the appellant Corporation, which is a fundamental right in terms of Article 14 of the constitution of India, a civil suit will be maintainable or not, thus, have not been taken into consideration in any of the aforementioned decisions." (para 31)

"If an employee intends to enforce his constitutional rights or a right under a statutory regulations, the civil court will have the necessary jurisdiction to try a suit. If, however, he claims his right and corresponding obligations only in terms of the provisions of the Industrial Disputes Act or the sister laws so called, the civil court will have none. In this view of the matter, in our considered opinion, it would not be correct to contend that only because the employee concerned is also a workman within the meaning of the provisions of the 1947 Act or the conditions of his service are otherwise governed by the Standing Orders certified under the 1946 Act, *ipso facto* the civil court will have no jurisdiction. This aspect of the matter has recently been considered by this court in Rajasthan SRTC v/s Mohar Singh. The question as to whether the civil court's jurisdiction is barred or not must be determined having regard to the facts of each." (para 36)

"If the infringement of the standing Orders or other provisions of the Industrial disputes Act are alleged, the civil court's jurisdiction may be held to be barred but if the suit is based on the violation of principles of common law or constitutional provisions or on other grounds, the civil court's jurisdiction may not be held to be barred. If no right is claimed under a special statute in terms whereof the jurisdiction of the civil court is barred, the civil court will have jurisdiction." (para 37)

25. In view of the legal proposition laid down in above decision the civil court was having jurisdiction to decide the matter in issue whether the termination of the workman vide impugned order 3.2.88 was illegal & unjustified on the ground of violation of principles of natural justice in the proceedings conducted against the workman. Therefore, it cannot be said that the decree passed by the civil court in the suit filed by the workman is nullity. Since, in matter in hand a jurisdictional question has not been wrongly decided by the civil court & the decree passed by the civil court is not nullity, the legal

proposition laid down in decision 2005 SCC (L&S) 327 referred to by the learned representative on behalf of the union is not applicable. Thus, the submission on behalf of the union in this regard is not sustainable.

26. The question which survives for consideration is whether claim of the union is not maintainable on the ground of principle of res-judicata. The doctrine of res-judicata in section 11 of CPC envisages that if by any judgment or order any matter in issue has been directly & explicitly decided, the decision operates as res-judicata & bars the trial of an identical issue in subsequent proceedings between the same parties. This principle also comes into play when any matter which might & ought to have been made a ground of defense in a formal proceedings but was not so made. The object of the provision is to avoid multiplicity of dedication & to bring about finality in it. Admittedly, in present matter the parties were same in the civil suit filed by the workman. The matter in issue was same i.e. validity of the impugned order dated 3.2.88 dismissing the services of the workman. The issue involved in the present matter was directly & substantially involved in the civil court. Further the civil court was having jurisdiction to decide the validity of the impugned order on the ground of violation of principle of natural justice in disciplinary proceedings against the workman. As concluded earlier the decree passed by the civil court is not nullity. Thus, the principle of res-judicata is applicable in present matter. The plea taken in the claim statement that denial of subsistence allowance as per standing order was also in violation of principle of natural justice out to have been made a ground for defense in earlier proceedings. The principle of constructive res-judicata bars such plea in subsequent proceedings; therefore, the preliminary objection raised on behalf of the management is sustainable.

27. In view of above discussions the claim of the union challenging the action of the management of the Central Bank of India, Jaipur in dismissing services of the workman *w.e.f.* 3.2. 1988 is not maintainable on the ground of the principle of res-judicata. Resultantly, the workman is not entitled to any relief. The reference under adjudication is answered accordingly.

28. Award as above.

N.K. PUROHIT, Presiding Officer

नई दिल्ली, 25 नवम्बर, 2011

का.आ.3825.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंकों के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के

पंचाट (संदर्भ संख्या 1/2011) को प्रकाशित करती है जो केन्द्रीय सरकार के 21-11-2011 को प्राप्त हुआ था।

[सं. एल. 12012/53/2010-आईआर(बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 25th November, 2011

S.O. 3825.—In pursuance of Section 17 of the industrial Disputes Act, 1947, the Central Government hereby publishes the Award (Ref. No. 1/2011) of the Central Government Industrial Tribunal/Labour Court, CHENNAI now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CANARA BANK and their workman, which was received by the Central Government on 21/11/2011.

[No. L-12012/53/2010-IR(B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL, TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 27th October, 2011

PRESENT:

A.N. JANARDANAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 1/2011

(In the matter of the dispute for adjudication under clause (d) of the sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Canara Bank and their Workmen)

BETWEEN

Sri K. Ravichandran : 1st Party/Petitioner

V/s.

The Deputy General : 2nd Party/Respondent,
Manager Canara Bank, HRM Section,
Circle Office, City Towers,
No. 1, Royal Road,
Cantonment Trichy.

APPEARANCE:

For the 1st Party/ : Sri. S. Vaidyanathan,
Petitioner Advocate

For the 2nd Party/ : M/s Sree & Associates,
Management Advocates

AWARD

The Central Government, Ministry of Labour vide its Order No. L-12012/53/2010-IR (B-II) dated 26.11.2010 and Corrigendum dated 12.12.2010 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the management of Canara Bank, Trichy circle in terminating the service of Sri Ravichandran is legal and justified? What extent, the workman is entitled for?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 1/2011 and issued notices to both sides. Both sides entered appearance through their respective counsel and filed their Claim and counter Statement as the case may be.

3. The averments in the Claim Statement briefly read as follows:

Petitioner who joined the services of the Respondent Bank as Daily Wager in 1976, later absorbed as Sub-Staff in 1986 while was working at Cuddalore Branch with unblemished service of more than 21 years than and promoted as Clerk in May 2007 and posted at Thathanur Branch had applied for leave from 15.10.2007 owing to sudden change in food habits and food poison. In the meantime his Sister died whose daughters wedding was only to be supported by him only, The Respondent vide letters dated 30.11.2007 and 10.12.2007 called him to report for duty and called for his explanation on his frequent absence which was replied on 25.12.2007 by a detailed explanation mentioning his health problems and family circumstances on doctor's advice to him to take rest till 14.01.2008. Respondent vide letter dated 08.01.2008 wanted him to report for duty on or before 14.01.2008 as though no reply had been given by him, falling which Bank, as informed, reserved to presume petitioner's lack of interest to continue in service. He reported for duty on 18.01.2008. His wife was suffering from Osteo Arthritis and was undergoing physiotherapy treatment for knee joint from 21.01.2008 to 30.04.2008. Bank again on 08.04.2008 asked him to report for duty. His Father was suffering from Filarial Leg with Cellulites and was hospitalized during May. Petitioner's son is a mentally retarded child who needed care and attention. Petitioner was under heavy pressure to concentrate on family issues and was not in a position to attend office at Thathanur, 150 kms away. To his dismay he was given proceedings dated 04.07.2008 charged of gross misconduct under Chapter-XI Regulation (3)(r) of Canara Bank Service Code treating his continuous absence as voluntarily vacating his employment and recording his cessation of employment as per HO Circular No. 157/2005 dated 20.06.2005. Petitioner sent a reply dated 23.07.2008 enclosing Medical Certificates and earlier letters for a favour and to permit him to rejoin duty which was rejected on 24.06.2009. He had requested before for a transfer to Cuddalore and expressed his willingness to work there though not able to do so at Thathanur Supreme Court has held that unauthorized absence should be viewed depending on facts and circumstances. He had no opportunity of hearing. No enquiry was conducted. His Pension option claim as per recent Bipartite Settlement dated 07.10.2010

was turned down quoting a circular dated 21.08.2010 which is not known to him and which is illegal being contrary to the settlement. His termination by treating him to have voluntarily vacated the employment is illegal and not justified. He is to be reinstated w.e.f. 04.07.2008 with all benefits.

4. Counter Statement contentions bereft of unnecessary details are as follows:

Under Clause-33 of VIII Bipartite Settlement dated 02.06.2005 circulated as per no. 157/2005 dated 20.06.2005 there is provision for voluntary cessation of employment of workmen. Service of petitioner as Clerk was not confirmed for want of completion of the required effective tenure. He remained unauthorizedly absent w.e.f. 15.10.2007. He was addressed with letters dated 10.12.2007 and 08.10.2008 to report for duty failing which he was informed that it would be presumed he is not interested to continue in service. After reporting for duty on 17.01.2008 he again absented from 21.01.2008. He was called upon vide letters dated 03.03.2008 and 08.04.2008 to report for duty informing the failure clause as above to which also there was no response. Hence he was treated as voluntarily vacated his employment from 14.07.2008. petitioner had been once called upon to explain for over drawings in his account. Petitioner absented during different spells without leave or intimation. The reasons stated by him are purely personal suddenly sought to be addressed after his posting to Thathanur. The reasons cannot be accepted. He had been continuously absents for more than 6 months. His indifferent attitude invited the impugned action, which is binding. It is clear that he was not willing to work at Thathanur and therefore he was absents. He was not punished under any disciplinary action. No question of enquiry arises. That he was not heard is not correct. Several letters addressed to him by the Bank belie that contention. He is not entitled to pension, which is outside the scope of reference. Action of the Bank is legal and valid. The claim is to be dismissed.

5. Points for consideration are:

(i) Whether the termination of service of the workman Ravichandran is legal and justified?

(ii) To what relief the workman concerned is entitled?

6. Evidence consists of Ex. W1 to Ex.W25 on the petitioner's side and Ex.M1 to Ex.M7 on the Respondent's side, both sets of evidence, marked on consent, with no oral evidence on either side.

Points (i) & (ii)

7. Heard both sides and perused the records, documents and written arguments filed on behalf of the Respondent. The learned counsel for the petitioner relied on the decision of the Supreme Court in Chairman-cum-Managing Director, Coal India Ltd. and Another Vs. Mukul

Kumar Choudhury (2009-15-SCC-620) wherein the Apex Court held that a reasonable employer is expected to take into consideration measure, magnitude and degree of misconduct, and all other relevant circumstances and exclude irrelevant matters, before imposing punishment. In a case like the present on where the misconduct of the delinquent was unauthorized absence from duty for 6 months, but upon being charged of such misconduct, he fairly admitted his guilt and explained the reason for his absence but the reason was purely personal and beyond his control the order of removal cannot be held to be justified since no reasonable employer would have imposed extreme punishment of removal in like circumstances. The punishment is not only unduly harsh but grossly in excess to the allegations.

8. In the decision of the Apex Court in REGIONAL MANAGER, BANK OF BARODA VS. ANITA NANDRA JOG (MANU-SC-1587-2009) relied on behalf of the Respondent it was held that the behavior of the Respondent remaining absent without leave for such long periods was clearly regrettable and unfortunate. No establishment can function if it allows its employees to behave in such a manner. We therefore uphold the order of the appellant bank terminating the services of the Respondent as a voluntary cessation of her job.

9. In SYNDICATE BANK VS. GENERAL SECRETARY SYNDICATE BANK STAFF ASSOCIATION AND ANOTHER (2005-5-SCC-65) also relied on behalf of the Respondent. The rulings does not have application to the facts of this case.

10. On an anxious consideration of the above rulings with reference to the rival contentions I am justified in holding that this is a case where the workman has been meted out with a punishment which is grossly disproportionate to the gravity of the offence. Here is a petitioner who entered service as a Daily Wager who got promotion as Sub-Staff and as a Clerk, presumably by reason of his satisfactory service rendered. It is brought home that the petitioner has had some family constraints due to his father and wife being sick requiring his personal attention to procure for them necessary medical treatment and also had to attend on his mentally retarded son. He has been consistently representing them before the authorities in his explanation admitting his unauthorized absence during various spells without leave and that alone with no other misconduct from his part which has been driving him to resort to such a misconduct. Though the conduct of the petitioner cannot bear endurance from the part of the Management only the such facts have not been sufficient to warrant his termination from service which is a capital punishment resulting in his economic death. The view by the Management that on the inference that he would not have resorted to this practice of habitual absenteeism during various spells if he had been given a transfer to Cuddalore does not seem sound for the reason that if one has to be

after his dear and near ones to attend on them in the casualties with supervening diseases requiring hospitalization and treatment he may not be in a position to leave those aside and elect to himself to attend to his duty disregarding the dire needs of his deals and near relations. The inference drawn by the Respondent as is clear from the Counter Statement is therefore not proper. Admittedly no enquiry was held against the workman. That has deprived the petitioner's opportunity of being heard effectively before the impugned action was taken against him. Though Bipartite Settlements enable the employer to resort to such a course it may lead to injustice. It is trite that unauthorized absence should be viewed depending on the facts and circumstances of each case independently. Every instance of unauthorized absences is not to be dealt with alike. Whether in the case of the petitioner an exception has to be carved out has not been gone into by an enquiry. His explanatory submissions discernibly have not weighted consideration with the management in the matter of treating the petitioner to have ceased from employment on a one-sided approach though it cannot be said to be unauthorized to do so generally. Inferences drawn based on hypothesis should be in such a manner that the circumstances should be such that the same exclude every hypothesis other than the one to be proved. For this reason as well the inference drawn by the Respondent is not proper to impose upon him the impugned punishment of termination from service. The decisions relied on his behalf by his learned counsel appear applicable to the case of the petitioner. Therefore the punishment imposed on the petitioner is grossly disproportionate to the gravity of the offence. He could have been visited with lesser punishment to meet the ends of justice. Therefore the punishment is set aside and he is ordered to be reinstated with continuity of service and all attendance benefits but with no back wages. Let forfeiture of back wages bethe punishment for his misconduct.

11. Thus, the reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 27th October, 2011)

A.N. JANARDANAN, Presiding Officer

WITNESSES EXAMINED:

For the 1st Party/ Petitioner	:	None
For the 2nd Party/ Respondent	:	None
Documents Marked	:	On the Petitioner's side
Ex.No.	Date	Description
Ex.W1	-	Service Code
Ex.W2	02.06.2005	Settlement under S. 18[1] of the ID Act

Ex.W3	20.06.2005	Circular No. 157/2005	Ex.W22	23.12.2007	Medical Certificate of the petitioner from 23.12.2007 to 14.01.2008
Ex.W4	08.10.2007	Request - Transfer format given by the petitioner	Ex.W23	25.12.2007	Petitioner's reply to the Bank
Ex.W5	08.10.2007	Petitioner's letter on the low cost deposit mobilization to the Bank	Ex.W24	08.01.2008	Bank's letter on the continuance absence of the petitioner
Ex.W6	03.03.2008	Bank's letter regarding absence of the petitioner	Ex.W25	04.07.2008	Order of Termination
Ex.W7	10.03.2008	Petitioner's reply to the Bank's letter dated 03.03.2008	On the Management's side		
Ex.W8	10.03.2008	Proof of Acknowledgement	Ex. No.	Date	Description
Ex.W9	08.04.2008	Bank's letter regarding absence of the petitioner	ExM.1	10.12.2007	Letter issued by the Respondent to the petitioner
Ex.W10	28.04.2008	Hospital admission and discharge summary of the petitioner's father for the period from 28.04.2008 to 02.05.2008	ExM.2	08.01.2008	Letter issued by the Respondent to the petitioner
Ex.W11	30.04.2008	Medical certificate of the petitioner's wife for the period from 21.01.2008 to 30.04.2008	ExM.3	03.03.2008	Letter issued by the Respondent to the petitioner
Ex.W12	30.04.2008	Medical certificate of the petitioner's wife for the period from 21.01.2008 to 30.04.2008	ExM.4	08.04.2008	Letter issued by the Respondent to the petitioner
Ex.W13	16.05.2008	Petitioner's reply to the Bank's letter dated 08.04.2008	ExM.5	19.01.2008	Letter issued by the Respondent to the petitioner
Ex.W14	23.05.2008	Proof of Acknowledgement	ExM.6	24.01.2008	Letter issued by the Thathanur manager to the Respondent
Ex.W15	23.05.2008	Proof of Acknowledgement	ExM.7	20.06.2008	Letter issued by the Respondent to the petitioner
Ex.W16	10.07.2008	Medical certificate of the petitioner's father for the period from 03.05.2008 to 10.07.2008	नई दिल्ली, 28 नवम्बर, 2011		
Ex.W17	23.07.2008	Petitioner's letter on the Voluntary Cessation of Service to the Bank	का.आ.3826.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में वेस्टर्न इंडिया शिपयार्ड लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/9 ऑफ 2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 23.11.2011 को प्राप्त हुआ था।		
Ex.W18	15.10.2007	Medical Certificate of the petitioner from 15.10.2007 to 10.11.2007	[सं. एल-36011/9/2005-आई आर (बी-11) शीश राम, अनुभाग अधिकारी		
Ex.W19	10.12.2007	Bank's letter on the unauthorized absence of the petitioner	New Delhi, the 28th November, 2011		
Ex.W20	11.11.2007	Medical Certificate of the petitioner from 11.11.2007 to 01.12.2007	S.O. 3826.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (Ref. No. CGIT-2/9 of 2006) of the Central Government Industrial Tribunal/Labour Court-2, MUMBAI now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s WESTERN INDIA SHIPYARD LTD. and their workmen, which was received by the Central Government on 23/11/2011.		
Ex.W21	02.12.2007	Medical Certificate of the petitioner from 02.12.2007 to 22.12.2007	[No. L-36011/9/2005-IR(B-II)] SHEESH RAM, Section Officer		

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.2, MUMBAI****PRESENT**

K.B. KATAKE, Presiding Officer

REFERENCE NO. CGIT-2/9 of 2006**EMPLOYERS IN RELATION TO THE MANAGEMENT
OF WESTERN INDIA SHIPYARD LTD.**

The Managing Director
M/s. Western India Shipyard Ltd.
Mormugao Harbour
Mormugao
Goa-403 803.

AND

Their Workmen
Shri Vishwanbar R. Fadte
H. No. 1121, PO Mardol
Adkon-Wada
Marcaim-Tonk
Goa-403 404.

APPEARANCES:

FOR THE EMPLOYER : Mr. Kapil S. Kerkar
Advocate.

FOR THE WORKMAN : Mr. Suhaas Naik, Advocate
Mumbai, dated the 26th September, 2011.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L-36011/9/2005-IR (B-II), dated 13.01.2006 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

Ref. CGIT-2/9 of 2006

"Whether the claim of the disputant Shri Vishwanbar R. Phadte that he is a workman under Section 2(s) of the Industrial Dispute Act, 1947, if yes, whether the claim of the management of M/s. Western India Shipyard Ltd., Goa to dismiss him from services w.e.f. 28.07.2004 is legal and justified? If not justified what relief is the disputant concerned entitled to?"

2. After receipt of the reference both the parties were served with notices. They appeared through their representatives. The second party workman filed his statement of claim at Ex-5. According to him, he joined

the services of Western India Shipyard Ltd since 07/01/1996 as trainee Store Keeper. He was confirmed in the services as Store Assistant and worked as a Store Assistant from 3/3/1997 to 31/3/2000. When he was dismissed from services, his designation was Junior Officer Stores. He was required to issue the receipts of the material brought in the Stores Department by the Purchase Department and the same was required to be checked, verified and tallied with the checker. He was required to enter the material received in the register and was required to issue the material against the requisition slips of various departments. He was required to keep registers up-to-date and used to prepare comparative statements to forward to the Head of the Department. He used to prepare daily receipt report, daily morning stock receipt report, list of materials received, list of materials received in each shift.

3. The workman was unionized member of Goa Trade and Commercial Workers Union and was extended the benefit of Wage Settlement signed between the union/workman and the management. He was eligible to subscribe PPF, ESI, Labour Welfare Fund and other dues. He was governed by the rules and regulations of Western India Shipyard Ltd.

4. On 28/07/2004, the management issued a dismissal letter stating that his services stand dismissed with immediate effect as management has lost confidence in him. They have made some wild, baseless, false and concocted allegations against the workman. The management terminated his services without holding any inquiry. The action of the management is highhanded and arbitrary. Therefore workman has raised industrial dispute before ALC (C), Goa. As management did not co-operate in the conciliation proceeding, the conciliation came to be failed and ALC reported the matter to Govt. of India, Ministry of Labour. The Labour Ministry, has sent the reference to this Tribunal. The Second party workman thus prays as his termination is illegal he be reinstated in the service with full backwages.

5. The management resisted the statement of claim vide its written statement at Ex-10. According to them, Mr. Vishwanbar R. Fadte is not a 'workman' as defined under Section 2 (s) of the Industrial Disputes Act, 1947. He was Junior Officer-Stores and drawing per month salary of Rs. 7,717/-. He was discharging supervisory/managerial/administrative duties. His duties and pay scale does not fall in the category of workman. Therefore this reference is not maintainable. The services of Mr. Fadte was terminated as on 23rd and 24th of July 2004, he has intimated and instigated a section of officers and managers to strike work without sufficient cause. He was the leading striking employee. Due to his provocation and the strike, the company caused heavy losses. Therefore his services were terminated. The reasons therein were mentioned in the letter. Due to the said reasons company has no confidence and

faith to continue him in service. They have denied the allegation that the action of the management is arbitrary in terminating his services. Therefore they pray that the reference deserves to be dismissed.

6. The workman filled his rejoinders at Ex-13 & 14. He reiterated his duties as of clerical natures. He denied that his duties were either supervisory or of managerial nature. According to him, the allegations in the written statement are false. He denied the contents in the written statement and prays that he be reinstated back in service with full backwages.

7. Following are the issues for my determination. I record my findings thereon for the reasons to follow:

Sr. no.	Issues	Findings
1.	Whether the second party is a workman?	Yes.
1A.	Whether this Tribunal has jurisdiction to entertain this reference?	Yes.
2.	Whether termination under challenge is legal and valid?	No.
3.	Is the second party entitled for reinstatement and other ancillary reliefs?	Yes.
4.	What order?	As per final order.

REASONS

Issue no. 1:—

8. It is the case of the first party management that Mr. Fadte was performing supervisory/managerial duties and he was also drawing pay of Rs. 7,717/- p.m. Therefore he was not 'workman' within the meaning of Section 2 (s) of the I.D. Act. In this respect the Id adv for the second party workman submitted that Mr. Fadte though was a Junior Officer stores he was doing clerical work of maintaining registers and accounts of the demand and disbursement of items. Though he was designated as junior officer and drawing higher pay scale, he was not empowered to take independent decisions binding on the company. Therefore he comes under the definition of workman. In support of his argument the Id adv resorted to Apex court ruling in **S.K. Verma V/s. Mahesh Chandra and anr (1983) 4 SCC 214** wherein the Hon'ble Court in respect of Development Officer observed that;

"The scale of pay as well as the authorities competent to appoint and take disciplinary action indicates that the appellation 'Development Officer' is no more than a glorified designation. Development officers are separated from 'officers' strictly so called and are generally not in par with sub-ordinates and staff officers."

In the same para Hon'ble Court observed that;

"Notwithstanding the designation, the Tribunal or Court must look to the nature of his duties to discover what precisely a Development Officer is."

In this judgement Hon'ble Court held that the Development officer is a workman within the meaning of Section 2(s) of I.D. Act.

9. The Id adv also resorted to another Apex Court ruling in **National Engineering Industries Ltd. V/s. Shri Kishan Bhagaria and Ors. AIR 1998 SC 329**. In this case in respect of internal Auditor of the Company, the Hon'ble Court observed in para 9 of the judgement that;

"His duties were mainly reporting and checking on behalf of the management. A reporter or a checking clerk is not a supervisor. The respondent herein does not appear to us doing any kind of supervisory work. He was undoubtedly checking up on behalf of the employer but he had no independent right or authority to take decision and his decision did not bind the company."

In this matter, the Hon'ble Court upheld the decision of Division Bench of the High Court who had decided that the respondent no. 1 therein was a workman.

10. In the case at hand, though the workman herein was designated as Junior Officer and his pay scale is higher, he has no independent power to take decision. He was also not empowered to bind the company by his decision. Therefore, merely designating him as an officer is not sufficient to say that he was doing supervisory or managerial duties. Infact his duties were of clerical nature. Thus in the light of these rulings, I come to the conclusion that the second party is workman within the meaning of Section 2 (s) of I.D. Act 1947. Accordingly, I decide this issue no. 1 in the affirmative.

Issue no. 1A.—

11. It is the case of first party management that the first party is not Central Government undertaking. Therefore this Central Govt. Industrial Tribunal has no jurisdiction to entertain this reference. In this respect, the Id adv for the first party resorted to Bombay High Court ruling in **Mazgaon Dock Ltd. V/s. Shivbrat Jagroop Mishra and anr 2008 III CLR 755** wherein the Hon'ble Court held that;

"Thus it is clear that, for the purpose of deciding the question whether the State Government is the appropriate Government in relation to an industry for the purpose of sub-section 3 of Section 2 of MRTU & PULP Act, provisions of Section 39 of the Industrial Disputes Act and the notification issued under that provisions are not relevant."

In that case, Mazgaon Dock was the appellant and the Industrial Court therein has held that though the

company comes under Central Government, on the strength of notification issued under Section 39, of I.D. Act, the State Government is the appropriate Government. In this respect in para 14 of the judgement, Hon'ble High Court observed that;

"In case the Industrial Court finds that the Central Govt. is the appropriate Government in relation to the appellant. It cannot because of notification issued under Section 39 hold that the State Government is appropriate Government."

However in that case, it was complaint under Unfair Labour Practice Act. Furthermore, in this judgement no clear verdict is given by the Hon'ble Court. It has set aside the order of Industrial Court and the matter was remanded for fresh hearing. Therefore this judgement does not extend any help to the first party.

12. The Id adv for the first party resorted to another judgement **Hindustan Organic Chemical Ltd. V/s. Hindustan Organic Chemical Employees Union 2008 III CLR 802** wherein the company was established by Central Government. It was controlled as per the provisions of Company Act and power was delegated by the Central Government. In the circumstances, the Hon'ble Court observed that;

"An industry can be said to be carried on under the authority of Central Government if it is run by reason of delegation of power of the Central Government to the Government Company. A Central Government Company need not be equated to the Central Govt. though it may be a state within the meaning of Article 12 of the Constitution."

In para 8 of the judgement, the Hon'ble Court has considered Section 2 (a) of Industrial Dispute Act and held that the companies established and controlled by Central Government or in relation to an industrial dispute concerning a Dock Labour Board established under Dock Workers (Regulation of Employment) Act 1948. It has given a big list. Finally it is mentioned that for a Cantonment Board or a major port, the appropriate Govt. would be Central Government. In relation to any other industrial dispute the State Government would be the appropriate Govt.

In para 9 of the judgement, Hon'ble Court further observed that;

"Thus for the Central Govt. to be the appropriate Govt. in relation to any industry, it must be carried on (i) by or (ii) under the authority of Central Govt. or (iii) by a Railway Company or (iv) by a controlled company specified by the Central Govt. or (v) by Statutory Corporation which have been mentioned in the section. In relation to all other industrial establishments, the State Govt. is the appropriate Govt."

13. In the case at hand, the first party is a corporate body established under the Major Port Trust Act 1963. It is reflected from the copy of agreement on record at Ex-36/A wherein it is mentioned that the first party is corporate body established under the Major Port Trust Act 1963. Therefore as per Clause (v) in the above ruling, the appropriate Government herein would be the Central Government and not the State Government as it does not fall in any other industrial dispute. In the circumstances, I hold that as appropriate Govt. is Central Govt. who can refer the industrial dispute. Consequently I also hold that this Central Govt. Industrial Tribunal has jurisdiction to entertain this dispute. Accordingly, I decide this issue no. 1 A in the affirmative.

Issue No. 2:—

14. In the case at hand, the fact is not disputed that the workman was dismissed from service without any chargesheet or inquiry. He was terminated by saying that first party had lost its faith. He was terminated from the service under the presumption that he was an officer exercising supervising or managerial duties. On the other hand, in issue no. 1 herein above, it is discussed and held that the second party employee is not an officer. On the other hand, it is held that he is a 'workman'. Services of a workman cannot be terminated without following procedure established by law such as by holding inquiry of the charges leveled against him. His services herein were terminated without any chargesheet or inquiry. In the circumstances, such a termination cannot be called legal and valid. In this backdrop, it needs no more discussion to decide this issue no 2 in the negative.

Issue no. 3:—

15. In the light of findings on issue no. 1 and 2 hereinabove, it is clear that the second party employee is a workman. It is also held that as his services were terminated, without any inquiry, the termination is held not legal and valid. Therefore, I hold that the workman is entitled to be reinstated in the service with full backwages. Accordingly, I decide this issue no. 3 in the affirmative. Thus I proceed to pass the following order:

ORDER

The reference is allowed as follows:—

The order of termination of second party workman from the services is declared illegal and void. The first party management is directed to reinstate the second party workman and also directed to pay all the backwages since the date of termination till the date of reinstatement.

Date: 26.09.2011

K.B. KATAKE, Presiding Officer

नई दिल्ली, 28 नवम्बर, 2011

का.आ. 3827.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महाराष्ट्र बैंक—के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी/-2/34 ऑफ 2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 23-11-2011 को प्राप्त हुआ था।

[सं. एल-12011/1/2011-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 28th November, 2011

S.O. 3827.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (*Ref. No. CGIT-2/34 of 2011*) of the Central Government Industrial Tribunal/Labour Court-2, **MUMBAI** now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of **BANK OF MAHARASHTRA** and their workmen, which was received by the Central Government on 23.11.2011.

[No. L-12011/1/2011-IR(B-II)]
SHEESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT:

K.B. KATAKE, Presiding Officer

REFERENCE NO. CGIT-2/34 OF 2011

EMPLOYERS IN RELATION TO THE MANAGEMENT OF BANK OF MAHARASHTRA

The General Manager (HRM)
Bank of Maharashtra
Lokmangal
1501, Shivaji Nagar
Pune-411 005.

AND

THEIR WORKMEN.

The General Secretary Bank of Maharashtra
Karmachari Sena
25, Unique House, 1st floor
Brelvi Marg
Mumbai-400 023.

APPEARANCES:

FOR THE EMPLOYER : Mr. M.B. Anchan,
Advocate.

FOR THE WORKMEN : No Appearance.

Mumbai, dated the 8th November, 2011.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L-12011/1/2011-IR (B-II), dated 13.06.2011 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Bank of Maharashtra in not considering the candidature of Shri V.P. Rane, Special Assistant for the post of Officer Cadre (JMGS-I) in 2009 is legal and justified? What relief the workman concerned is entitled to?"

2. Notices were issued to both the parties. However second party though duly served, remained absent. Registered AD receipt to that effect is at Ex-3. The second party workmen neither appeared nor filed the statement of claim. Without Statement of claim, the reference cannot be decided on merits. Thus the same deserves to be dismissed. Therefore, I pass the following order:

ORDER

Reference is dismissed for default.

Date: 08.11.2011

K.B. KATAKE, Presiding Officer/Judge.

नई दिल्ली, 28 नवम्बर, 2011

का.आ.3828.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इण्डियन बैंक—के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 71/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 23-11-2011 को प्राप्त हुआ था।

[सं. एल-12011/44/2009-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 28th November, 2011

S.O.3828.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (*Ref. No. 71/2009*) of the Central Government Industrial Tribunal/Labour Court, **CHENNAI** now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of **INDIAN BANK** and their workmen, which was received by the Central Government on 23/11/2011.

[No. L-12011/44/2009-IR(B-II)]

SHEESH RAM, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT****INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Thursday, the 17th November, 2011

PRESENT:

A.N. JANARDANAN, Presiding Officer

INDUSTRIAL DISPUTE No. 71/2009

(In the matter of the dispute for adjudication under clause (d) of sub-section (I) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Bank and their Workman)

BETWEEN

The General Secretary : 1st Party/Petitioner Union
Indian Bank Employees Union,
6, Moore Street, Mannady Corner,
Chennai-600001

Vs.

The General Manager : 2nd Party/Respondent,
Indian Bank Head Office,
66, Rajaji Salai,
Chennai-600001

APPEARANCE:

For the 1st Party/ : Sri J. Thomas
Petitioner Union : Jeyaprabhakaran,
Authorized Representative

For the 2nd Party/ : Sri S. Dhakshinamurthy,
Management : Authorized Representative

AWARD

The Central Government, Ministry of Labour vide its Order No. L-12011/44/2009-IR(B-II) dated 08.07.2009 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the management of Indian Bank in recovering the Special Pay inadvertently drawn is justified? to what relief the workman is entitled for?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as ID 71/2009 and issued notices to both sides. Both sides entered appearance through their authorized representatives and filed their Claim, Counter and Rejoinder Statements as the case may be

3. The averments in the Claim Statement bereft of unnecessary details are as follows:

The workman, N.S. Nageswaran while was a Cashier under the Bank of Thanjavur, with the amalgamation of which with the Indian Bank on 20.02.1990 became the employee of the latter bank. Nageswaran had joined service under the previous bank on 03.11.1979. Under a settlement between Bank of Thanjavur and its Employees Union dated 31.12.1979 the Cashiers were treated as a separate category of award employees with separate scales of pay higher than that of Clerks. By settlement dated 04.01.1985 a common scale of pay was arrived at for both the categories with a provision of a permanent Special Pay of Rs. 164/- and permanent Special Allowance to protect pay of Cashiers on permanent basis attracting superannuation benefits as in the Annexure-I to the settlement, which protection found reiteration in the minutes of understanding dated 27.11.1985 between the Management of Bank of Thanjavur and the Union. After the amalgamation a 12(3) Settlement was entered into on 26.12.1990 laying down the service conditions of Award Staff of Bank of Thanjavur Ltd. Respondent/Management by Circular No. 107/90-91 dated 01.11.1990 dealt with the "*Extension of the terms and conditions of service to Award Staff of erstwhile Bank of Thanjavur Ltd.*" Under Clause-(iii) of the Settlement the staff members drawing Special

Allowance on permanent basis at Bank of Thanjavur would continue to draw the allowance on permanent basis. The Respondent/Management as per communication dated 16.12.1994 to the Regional Office, Cuddalore intimated that the workman is being paid Special Allowance of Rs. 500/- by way of protecting the allowance he was drawing permanently in his previous branch. The same was abruptly ordered to be recovered by the Respondent/Bank on 21.03.2007. The fact was intimated by Orthanadu Branch by letter dated 12.04.2007 to recover Special Pay paid for December 2005, January 2006, June 2006 and July 2006 + D.A. + H.R.A. from the salary for April 2007. The action is illegal. Pending conciliation of the ID raised Assistant Commissioner of Labour (Central), Chennai invoked Section-33 of the ID Act restraining Respondent from giving effect to the action. The status-quo was accordingly maintained. On failure of conciliation the reference is occasioned. Respondent Bank's continued recovery by letter dated 20.09.2008 was stayed as per High Court's order dated 26.11.2008 in WP No. 24366 of 2008. It is evident that the Personal Pay and Cash Allowance granted by way of protection from part and parcel of pay structure itself and is not related in any manner to the Special Allowance in the Bipartite Settlement paid for performing certain duties which do not include the routine duties of the cadre normally performed. The nomenclature special allowance was changed as Special Pay in the Bipartite Settlement dated 27.03.2000. Such a Special Pay is to be paid only on performing special duties

specified in the settlement. While so, the Personal Pay and Cash Allowance have been granted to compensate any loss due to arriving at a common scale of pay for Clerks and Cashiers at the erstwhile bank and it forms and integral part of the pay scale structure itself. In Indian Bank HO's Circular No. PRNL/107/90-01, dated 01.11.90 it is explicitly stated that the Special Allowance and Special Pay to be drawn permanently in the Indian Bank too. This Special Allowance/Pay will have to be forgone on transfer at request to some other place, in which case the employee undertakes in the application to relinquish them permanently. Prior to 04.01.1985 settlement the employee was drawing his total emoluments at Rs. 1247.33. With the common scale of pay it was Rs. 1,075.45 only below Rs. 1,247.33. In order to make good the loss concept of Personal Allowance of Rs. 70.23 and Cash Allowance of Rs. 164/- was allowed according to which he got a total of Rs. 1309.68. It is to protect the earlier salary that the allowances were introduced on a permanent basis and they are not to be likened with the Special Allowance in the Bipartite Settlement. The position is one settled by the Bank of Thanjavur administration itself once for all and the said two allowances are to be protected permanently. Respondent/Bank also protected the two allowances to certain other employees even after their requested transfer, which they enjoyed and which were also included for their superannuation benefits on retirement. The two allowances should not be compared with the Special Allowance/Pay for attending special duties. Hence the move to discontinue the allowance is unjust and illegal. The reference is to be answered accordingly.

4. The Counter Statement averments briefly read as follows:

The concerned workman N.S. Nageswaran is not entitled to draw Special (Key) Allowance and therefore the recovery is justified being excess drawn by him. With the amalgamation of the Bank of Thanjavur (BOT) with the Respondent/Bank on 20.02.1990 the terms and conditions of service as applicable to the Award Staff of the Respondent/Bank were extended to the Award Staff of the erstwhile Bank of Thanjavur and the benefits were extended in tune with the provisions of settlement arrived and in accordance with the direction of the Board of Directors of the Respondent/Bank communicated under Circular dated 01.11.1990. In regard to the Special Allowances it is clearly mentioned in Clause-(iii) of Circular No. PRNL:107/90-91 dated 01.11.1990 that the staff members of erstwhile Bank of Thanjavur Ltd. who were drawing Special Allowances on permanent basis as per bipartite salary structure would be entitled to draw Special Allowance as per the bipartite salary structure and they should continue to perform the job attracting payment of Special Allowance. Under Clause-4 of Circular No. PRNL: 155/90-91 dated 31.10.1991 Clerical Staff members drawing Special Allowance on permanent basis would

continue to be paid the Special Allowance at the same rate so long as they perform the job attracting allowance in the same branch. They would cease to draw the Special Allowance when they are transferred outside the branch either at their request or on promotion. Under Spouse-Joining-Spouse (SJS) category on transfer the employee has to forego Special Allowance which was being permanently drawn. The workman in Bank of Thanjavur being a Key Holding Clerk was drawing Rs. 164/- per month which was enhanced from time to time. For some misconduct he was under suspension with a disciplinary action pending against him. After completion of enquiry and imposition of stoppage of one increment while he was posted to Chidambaram branch he continued to draw the Special Allowance. The benefits under the Respondent/Bank were extended to him also being governed by the rules and regulations of the Respondent/Bank. Nageswaran on request under SJS category got transferred to Madukkur Branch and he joined on 28.08.1996 with specific direction for cessation of Special Allowance. He had vide letter dated 08.11.1995 forgone his Special Allowance on transfer. After having availed such a transfer he continued to draw the Special Allowance without entitlement as he ceased to hold the keys and perform the duties related to that on his transfer to Madukkur Branch. Petitioner's plea does not hold good. He is estopped from raising the dispute. Claim Statement is liable to be dismissed for suppression of material facts and approaching the forum with unclean hands. He is duty bound to repay the undue benefits received erroneously. *"No one should be enriched at the expense of others"*. The letter dated 16.12.1994 of Respondent/Bank cited by the Petitioner Union only speaks about the allocation Cash Remittance Duties to the Key Holding Cashiers generally. By an investigation he was put on notice about his unauthorized drawal of Special Allowance to which he could not give a satisfactory reply resulting in ordering recovery. The recovery cannot be termed as arbitrary. It was initiated under due process of law. Without right he was receiving Special Allowance from August 1996 to September 2008. There is no change in the service conditions of the concerned workman. The conciliation proceeding was not valid. The workman is liable to pay back the Special Allowance unauthorizedly drawn in as much as he relinquished his entitlement on his transfer to Madukkur Branch on request under SJS category. When he performs the Special Allowance duty on rotation basis like others and to that effect he may draw the allowance limited to that period, which fact is suppressed by the Petitioner Union. Bank's action is not illegal. That Cash Allowance to the Cashiers was introduced on permanent basis and that Personal Pay and Cash Allowance form part and parcel of pay structure and that it is not related in any manner to the Special Allowance provided in the settlement are false and baseless. In the transfer application itself the employee undertook to relinquish the Special Allowance. It is prayed that the claim may be rejected.

5. The averments in the Rejoinder Statement in a nutshell are as follows:

Cash Allowance payable to petitioner is different from Key Allowance in the Bipartite Settlement. The concerned employee is entitled to the said Personal Pay and Cash Allowance permanently. Excess payment cannot be recovered when the excess was not paid due to the fault of the employee. Only performance oriented Special Allowance in terms of the Bipartite Settlement will cease to be drawn in case of request transfer as per Circular No. PENT 155/90-91 dated 31.01.1991. Special Allowance in the transfer application and that in the transfer order cannot be equated with Cash Allowance drawn on permanent basis by the workman since 1985. The Cash Allowance was introduced for protecting the workman from loss. There is no enrichment of material fact by the employee. The management only discontinued paying the said allowance to the workman. He never relinquished his right to draw the permanent cash allowance. Only the performance oriented Special Allowance could be relinquished. Hence the reference.

6. Points for consideration are:

(i) Whether the action to recover the Special Pay inadvertently drawn is justified?

(ii) To what relief the concerned workman is entitled?

7. The evidence consists of the testimony of WW1 and Ex. W1 to Ex. W9 (series), marked on consent except Ex. W9 marked through WW1 on the petitioner's side and Ex. M1 to Ex. M7 on the Respondent's side, marked on consent with no oral evidence on its side.

Points (i) & (ii)

8. Heard both sides. Perused the records, documents, evidence and written submissions on behalf of the petitioner. Both sides keenly argued supporting their respective contentions. While petitioner's authorized representative focused his contention to the aspect that only performance oriented Special Allowance is to be stopped when the conditions providing for payment of the same cease to be there and Permanent Special Allowance drawn by the workman which was provided to him by way of protection of pay when common pay-scales were introduced for Clerk and Cashiers while he was in the service of the erstwhile Bank of Thanjavur, is still to be allowed to be drawn. Further it is pointed out by him that when there was supervened payment in excess to a given employee inadvertently which is not due to any fault on the part of that employee the same is not to be recovered. He would further canvass his contention to support his argument that the very mention in the reference regarding the payment of inadvertently drawn excess signifies that the drawal of the allowance by the workman is not willful or due to any fault on his part and therefore even if the workman is not

entitled to the amount the same is not to be allowed to be recovered from him.

9. The contra argument on behalf of the Respondent is that the Special Cash Allowance drawn by the workman is not a Permanent Cash Allowance to which the workman is entitled. It is not a Personal Pay to which he is entitled to, for protecting his pay when once there was unification of the scales of Cashiers and Clerks into once Common Pay-Scale while he was in erstwhile BOT. After the amalgamation of the two banks the Indian Bank regulations are only applicable to the workman. Only after his joining in the Indian Bank the regulations are applicable to him. Only if he works as Cashier he is entitled to Cash Allowance. After his having secured a transfer on request under SJS category he cannot continue to receive the benefit which he had undertaken to forego as provided in the Bipartite Settlement which governs the matter. His inadvertent continuance to draw the allowance cannot ripen into any right. The excessively drawn amount has to be recovered in easy instalments without interest, the same being unjust enrichment by the workman, which he ought to have repaid. It is also pointed out that the workman has had clear knowledge of the amount being received by him as being in excess of what actually due to him. There was notice issued to the workman as evidenced by Ex. W4 before the recovery was ordered. Only the principal amount is sought to be recovered.

10. The Petitioner Union espousing the cause of the workman appears to cling to the stand that at any cost the latter should continue to receive the Special Cash Allowance which had its origin while he was in the erstwhile BOT. It is the common admitted case that after the amalgamation of the bank with the Respondent/Bank the regulations of the latter bank alone are applicable to the workman which in turn find its edifice on the Bipartite Settlements providing for performance oriented Special Allowances only if and when Special duties are performed which may even be on rotation basis and which again are to be forgone by employees getting transfers on request and under SJS category scheme etc. When it is not abundantly or eminently proved that the allowance drawn by the workman is not one by way of protection of salary structure as claimed by the Petitioner Union and also in view of the fact that petitioner has had the knowledge of such a receiving by him of Special Allowance to which he was really not entitled he cannot be said to disown his responsibility for the payment received by him so as to be exonerated from repayment of the amount to the Department. Evidence of WW1, a witness for the Petitioner Union, could be seen to be not reliable at all to advance the case of workman as true. The witness, as he deposed, entered service under BOT as a Clerk. He has not proved to have worked as a Cashier. He has categorically stated that the allowances were given to existing Cashiers who performed cash related duties. The said allowance is never

qualified as permanent in nature. He is not able to recollect the terms of the settlement dated 04.01.1985 under which according to him the settlement was entered into so that loss should not come to staff. He could be found to be an interested witness in favour of the petitioner just to see that the workman emerges successful in his claims. No reliance can be placed on his testimony. Discernibly he is not competent to unfold the truth. To very many pertinent questions he disowns knowledge. Yet he is very particular to give answers to questions which, to him, may have a tendency to support the claim of the petitioner. His version is nothing but mere *ipsedixit*, seldom reliable. His evidence is quite inapt to support the case of the petitioner which *per se* look infirm and unsustainable for want of cogent materials to support his case to be elevated to the realm of being proved. If by reason of any fact that the workman happened to receive the amount in good faith under a conviction that he is genuinely entitled to receive the same and therefore continued to receive it, the burden is especially on him to prove that special fact it being an instance of his specific and special state of his mind which is not done. Another question in this context is could he be expected to entertain such a conviction? Nothing can be said to be done in good faith unless it has been done with good care and attention. If the workman had bestowed greater caution and attention to the aspect of receiving the Special Allowance which he was not actually entitled to, he could have brought the same to the attention of the Disbursing Officer to avoid payment of the same to him. Hence he cannot be said to have acted in good faith and to have received the amount under a genuine belief that he is entitled to receive the same. The mention of "*inadvertently paid*" in the letter of the Bank or in the terminology of the reference cannot imply anything short of any blameworthy intention or guilty mind of the workman to ensure to himself any favours thereof. The true dispute *inter se*, the parties is to be gathered with reference to their pleadings and it is normally not to depend on the terminology in which the points of dispute may have been couched, which may even be in cryptic or abstract terms, as has by now been a settled position of law under various judicial pronouncements of the High Courts and the Apex Court. The workman is therefore liable to repay the excess payment received by him. The action of the Indian Bank in recovering the Special Pay drawn by the workman is justified and petitioner is therefore not entitled to any relief.

11. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 17th November, 2011)

A.N. JANARDANAN, Presiding Officer

WITNESS EXAMINED:

For the 1st Party/ : WW1, Sri V. Rajamani

Petitioner Union
For the 2nd Party/
Management

: None

Documents Marked on the petitioner's side

Ex.No.	Date	Description
Ex.W1	31.12.1979	Memorandum of Settlement on revision of Wages and other conditions of service of workmen employee's in the Bank of Thanjavur Ltd. where cashiers are treated as a separate category with separate scale of pay.
Ex.W2	04.01.1985	Memorandum of Settlement on revision of Wages and other conditions of service of workmen employee's in the erstwhile Bank of Thanjavur Ltd., with common scale of pay for clerks, cashiers and appraisers enclosing fixation chart for existing cashiers which includes Basic Pay, D.A., Personal Allowance and Cash Allowance
Ex.W3	28.11.1985	Minutes of meeting held on 27th, 28th November 1985 between the Management and the Union, in the erstwhile Bank of Thanjavur Ltd. reiterating the provision in the Settlement dated 04.11.1985
Ex.W4	20.09.2008	Letter Ref. COK HRM:51409:2008-09 from CO, Kumbakonam to Sri N.S.Nageswaran ordering recovery of the said excess payment of pay and allowance to the tune of Rs. 34,117.62
Ex.W5	16.12.1994	Letter Ref: STAFF:IRC: 94 from HO: Pnrl Deptt. to the RO, Cuddalore—Payment of Special Allowance on account of protection of the allowance drawn permanently in the earlier branch
Ex.W6	19.12.2007	ID raised before the Assistant Commissioner of Labour (Central), Chennai
Ex.W7	22.02.2006	Reply by the bank's administration

Ex.W8	01.04.2008	Rejoinder submitted by the Union
Ex.W9 (series)	14.05.1992	Letter ref. STAFF:IRC:92 from Indian Bank, CO, Personnel Department to MEPZ Branch where it is confirmed that as a special case, it has been instructed to protect the Cash Allowance and the Personal Allowance even while paying special allowance applicable to Special Assistant.

On the Management's side

Ex.No.	Date	Description
Ex.M1	19.02.1990	Scheme of Amalgamation of the Bank of Thanjavur Ltd. with Indian Bank
Ex.M2	01.11.1990	CO: Personnel Circular No. 107/90-91 Extension of the terms and conditions of service to Award Staff members of erstwhile BOT Ltd.
Ex.M3	31.01.1991	CO: Personnel Circular No. PRNL 155/90-91-Payment of Special Allowance to Staff members working in Cash Department and assigning thereof on turn basis
Ex.M4	19.10.1966	Bipartite Settlement regarding payment of Special Allowance
Ex.M5	12.08.1996	CO: Personnel Department Transfer Order No. 185/96 transferring Sri N.S. Nageswaran from Chidambaram Branch to Madukkur Branch
Ex.M6	21.08.1996	Relieving Order of Sri N.S. Nageswaran given by Chidambaram Branch
Ex.M7	30.08.1996	Joining Report of Sri N.S. Nageswaran given by Madukkur Branch.

नई दिल्ली, 28 नवम्बर, 2011

का.आ. 3829.—औद्योगिक विवाद अधिनियम 1947(1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के वेस्टर्न इंडिया शिपयार्ड लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय-2 मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/11ऑफ 2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 21-11-2011 को प्राप्त हुआ था

[सं. एल-36011/11/2005-आई.आर. (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 28th November, 2011

S.O.3829.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (*Ref. No. CGIT-2/11 of 2006*) of the Central Government Industrial Tribunal/Labour Court-2, **MUMBAI** now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s **WESTERN INDIA SHIPYARD LTD.** and their workmen, which was received by the Central Government on 21/11/2011.

[No. L-36011/11/2005-IR(B-II)]

SHEESH RAM, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT**

K.B. KATAKE, Presiding Officer

REFERENCE NO. CGIT-2/11 OF 2006**EMPLOYERS IN RELATION TO THE MANAGEMENT OF WESTERN INDIA SHIPYARD LTD.**

The Managing Director
M/s. Western India Shipyards Ltd.
Mormugao Harbour
Mormugao
Goa-403 803.

AND**THEIR WORKMEN.**

Shri Sanjay Ankush Redkar
H.No. 360,
Maimolem
Vasco-da-Gama
Goa-403 802.

APPEARANCES:

FOR THE EMPLOYER : Mr. Kapil S. Kerkar
Advocate.

FOR THE WORKMAN : Mr. Suhaas Naik, Advocate.
Mumbai, dated the 26th September, 2011

AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L-36011/11/2005-IR (B-II),

dated 13.01.2006 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the claim of the disputant Shri Sanjay Ankush Redkar that he is a workman under Section 2(s) of the Industrial Dispute Act, 1947, if yes, whether the claim of the management of M/s. Western India Shipyard Ltd., Goa to dismiss him from services w.e.f. 28.07.2004 is legal and justified? If not justified what relief is the disputant concerned entitled to?"

2. After receipt of the reference both the parties were served with notices. They appeared through their representatives. The second party workman filed his statement of claim at Ex-5. According to him, he joined the services of Western India Shipyard Ltd. Since 01/11/2000 as Senior Engineer. He continued to work as Senior Engineer from 01/11/2000 to 01/07/2002. Thereafter he was promoted as Deputy Manager w.e.f. 01/10/2003. He was required to forward quotations for approval, he used to calculate the amount payable to the contractors and forward the same for the approval of the Chief of Commercial.

3. The workman was unionized member of Goa Trade and Commercial Workers Union and was extended the benefit of Wage Settlement signed between the union and the management. He was eligible to subscribe PF, ESI, Labour Welfare Fund and other dues. He was governed by the rules and regulations of Western India Shipyard Ltd.

4. On 24.07.2004, the management issued a dismissal letter stating that his services stand dismissed with immediate effect as management has lost confidence in him. They have made some wild, baseless, false and concocted allegations against the workman. The management terminated his services without holding any inquiry. The action of the management is highhanded and arbitrary. Therefore workman has raised industrial dispute before AIC (C), Goa. As management did not co-operate in the conciliation proceeding, the conciliation came to be failed and ALC reported the matter to Govt. of India, Ministry of Labour. The Labour Ministry, has sent the reference to this Tribunal. The second party workman thus prays as his termination is illegal, he be reinstated in the service with full backwages.

5. The management resisted the statement of claim vide its written statement at Ex-10. According to them, Mr. Sanjay Ankush Redkar is not a 'workman' as defined under Section 2 (s) of the Industrial Dispute Act, 1947. He was working as Deputy Manager and drawing per month salary of Rs. 16,794/- . He was discharging supervisory/managerial/administrative duties. His duties and pay scale does not fall in the category of workman. Therefore this

reference is not maintainable. The services of Mr. Redkar were terminated as on 24th of July, 2004, he has intimidated and instigated a section of officers and managers to strike work without sufficient cause. He was the leading striking employee. Due to his provocation and the strike, the company caused heavy losses. Therefore, his services were terminated. The reasons there in were mentioned in the letter. Due to the said reasons company has no confidence and faith to continue him in service. They have denied the allegation that the action of the management is arbitrary in terminating his services. Therefore they pray that the reference deserves to be dismissed.

6. The workman filed his rejoinders at Ex-14 & 15. He reiterated his duties as of clerical natures. He denied that his duties were either supervisory or of managerial nature. According to him, the allegations in the written statement are false. He denied the contents in the written statement and prays that he be reinstated back in service with full backwages.

7. Following are the issues for my determination. I record my findings thereon for the reasons to follow:

Sr. No.	Issues	Findings
1.	Whether the second party is a workman?	Yes.
1A.	Whether this Tribunal has jurisdiction to entertain this reference?	Yes.
2.	Whether termination under challenge is legal and valid?	No.
3.	Is the second party entitled for reinstatement and other ancillary reliefs?	Yes.
4.	What order?	As per final order.

REASONS

Issue No. 1

8. It is the case of the first party management that Mr. Redkar was performing supervisory/managerial duties and he was also drawing pay of Rs. 16,794/- p.m. Therefore he was not 'workman' within the meaning of Section 2 (s) of the I.D. Act. In this respect the Id adv for the second party workman submitted that Mr. Redkar though was a Dy. Manager, he was doing work of forwarding of quotations and bills to the competent authority for approval. Though he was designated as Dy. Manager and drawing higher pay scale, he was not empowered to take independent decisions binding on the company. Therefore he comes under the definition of workman. In support of his argument the Id Adv resorted to Apex court ruling in **S.K. Verma Vs. Mahesh Chandra and anr (1983) 4 SCC 214** wherein the Hon'ble Court in respect of Development Officer observed that

"The scale of pay as well as the authorities

competent to appoint and take disciplinary action indicates that the appellation 'Development Officer' is no more than a glorified designation. Development officers are separated from 'officers' strictly so called and are generally placed on par with sub-ordinates and clerical staff".

In the same para Hon'ble Court observed that:

"Notwithstanding the designation, the Tribunal or Court must look to the nature of his duties to discover what precisely a Development Officer is."

In this judgement Hon'ble Court held that the development officer is a workman within the meaning of Section 2 (s) of I.D. Act.

9. The Id adv also resorted to another Apex Court ruling in **National Engineering Industries Ltd. V/s. Smt Kishan Bhagarla and Ors. AIR 1998 SC 329**. In this case in respect of internal Auditor of the Company, the Hon'ble Court observed in para 9 of the judgement that:

"His duties were mainly reporting and checking on behalf of the management. A reporter or a checking clerk is not a supervisor. The respondent herein does not appear to us doing any kind of supervisory work. He was undoubtedly checking up on behalf of the employer but he had no independent right or authority to take decision and his decision did not bind the company".

In this matter, the Hon'ble Court upheld the decision of Division Bench of the High Court who had decided that the respondent no. 1 therein was a workman.

10. In the case at hand, though the workman herein was designated as Dy. Manager and his pay scale is higher, he has no independent power to take decision. He was also not empowered to bind the company by his decision. Therefore, merely designating him as an officer or Dy. Manager is not sufficient to say that he was doing supervisory or managerial duties. Infact his duties were of clerical nature. Thus in the light of these rulings, I come to the conclusion that the second party is workman within the meaning of Section 2 (s) of I.D. Act 1947.

Accordingly, I decide this issue no. 1 in the affirmative.

Issue no. 1A ---

11. It is the case of first party management that the first party is not Central Government undertaking. Therefore this Central Govt. Industrial Tribunal has no jurisdiction to entertain this reference. In this respect, the Idadv for the first party resorted to Bombay High Court ruling in **Mazgaon Dock Ltd. V/s. Shivbrat Jagroop Mishra and anr 2008 III CLR 755** wherein the Hon'ble High Court held that;

"Thus it is clear that, for the purpose of deciding the question whether the State Government is the appropriate Government in relation to an industry for the purpose of sub-section 3 of Section 2 of MRTU & PULP Act, provisions of Section 39 of the Industrial Disputes Act and the notification issued under that provisions are not relevant."

In that case, Mazgaon Dock was the appellant and the Industrial Court therein has held that though the company comes under Central Government, on the strength of notification issued under Section 39, of I.D. Act, the State Government is the appropriate Government. In this respect in para 14 of the judgement, Hon'ble Court observed that:

"In case the Industrial Court finds that the Central Govt. is the appropriate Government in relation to the appellant. It cannot because of notification issued under Section 39 hold that the State Government is appropriate Government."

However in that case, it was complaint under Unfair Labour Practice Act. Furthermore, in this judgement no clear verdict is given by the Hon'ble Court. It has set aside the order of Industrial Court and the matter was remanded for fresh hearing, therefore this judgement does not extend any help to the first party

12. The Id adv for the first party resorted to another judgement **Hindustan Organic Chemical Ltd. V/s. Hindustan Organic Chemical Employees Union 2008 III CLR 802** wherein the company was established by Central Government. It was controlled as per the provisions of Company Act and power was delegated by the Central Government. In the circumstances, the Hon'ble observed that:

"An industry can be said to be carried on under the authority of Central Government if it is run by reason of delegation of power of the Central Government to the Government Company. A Central Government Company need not be equated to the Central Govt. though it may be a state within the meaning of Article 12 of the Constitution."

In para 8 of the judgement, the Hon'ble Court has considered Section 2 (a) of Industrial Dispute Act and held that the companies established and controlled by Central Government or in relation to an industrial dispute concerning a Dock Labour Board established under Dock Workers (Regulation of Employment) Act 1948. It has given a big list. Finally it is mentioned that for a Cantonment Board or a major port, the appropriate Govt. would be Central Government. In relation to any other industrial dispute the State Government would be the appropriate Govt.

In para 9 of the judgement, Hon'ble Court further observed that;

"Thus for the Central Govt. to be the appropriate Govt. in relation to any industry, it must be carried on (i) by or (ii) under the authority of Central Govt. or (iii) by a Railway Company or (iv) by a controlled company specified by the Central Govt. or (v) by Statutory Corporation which have been mentioned in the section. In relation to all other industrial establishments, the State Govt. is the appropriate Govt."

13. In the case at hand, the first party is a corporate body established under the Major Port Trust Act 1963. It is reflected from the copy of agreement on record at Ex-39/A wherein it is mentioned that the first party is corporate body established under the Major Port Trust Act 1963. Therefore as per Clause (v) in the above ruling, the appropriate Government herein would be the Central Government and not the State Government as it does not fall in any other industrial dispute. In the circumstances, I hold that as appropriate Govt. is Central Govt, who can refer the industrial dispute. Consequently I also hold that, this Central Govt Industrial Tribunal has jurisdiction to entertain this dispute. Accordingly, I decide this issue no. 1 A in the affirmative.

Issue no. 2:—

14. In the case at hand, the fact is not disputed that the workman was dismissed from service without any chargesheet or inquiry. He was terminated by saying that first party had lost its faith. He was terminated from the service under the presumption that he was an officer exercising supervising or managerial duties. On the other hand, in issue no. 1. herein above, it is discussed and held that the second party employee is not an officer. On the other hand, it is held that he is a 'workman'. Services of a workman cannot be terminated without following procedure established by law such as by holding inquiry of the charges leveled against him. His services herein were terminated without any chargesheet or inquiry. In the circumstances, such a termination cannot be called legal and valid. In this backdrop, it needs no more discussion to decide this issue no. 2 in the negative.

Issue no. 3:—

15. In the light of findings on issue no. 1 and 2 hereinabove, it is clear that the second party employee is a workman. It is also held that as his services were terminated, without any inquiry, the termination is held not legal and valid. Therefore, I hold that the workman is entitled to be reinstated in the service with full backwages. Accordingly, I decide this issue no. 3 in the affirmative. Thus I proceed to pass the following order:

ORDER

The reference is allowed as follows:

The order of termination of second party workman from the services is declared illegal and void. The first party management is directed to reinstate the second party workman and also directed to pay all the backwages since the date of termination till the date of reinstatement.

Date: 26.09.2011

K.B. KATAKE, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2011

का. आ. 3830.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, धनबाद के पंचाट (संदर्भ संख्या 48/2000) को प्रकाशित करती है जो केन्द्रीय सरकार को 21-11-2011 को प्राप्त हुआ था

[सं. एल-12011/6/2006-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 29th November, 2011

S.O. 3830.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (*Ref. No. 48/2000*) of the Central Government Industrial Tribunal/Labour Court-2, **DHANBAD** now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of PUNJAB NATIONAL BANK and their workman, which was received by the Central Government on 21/11/2011.

[No. L-12011/6/2006-IR(B-II)]

SHEESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT

Shri Kishori Ram, Presiding Officer.

In the matter of an Industrial Dispute under Section 10 (1) (d) of the I.D. Act., 1947.

REFERENCE NO. 48 OF 2000

PARTIES : Employers in relation to the management of Punjab National Bank and their workman.

APPEARANCES :

On behalf of the workman : Mr. B. Prasad, Autho. Representative.

On behalf of the : None.
management

State : Jharkhand Industry :
Banking.

Dated, Dhanbad, the 31st October, 2011.

ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-12011/6/2006-IR(B-II) dated 29th June, 2006.

SCHEDULE

"(i) Whether Shri Prakash Peter was an employee of Punjab National Bank, Patna as per Sec. 2(s) of I.D. Act, 1947? If yes, whether the action of the management of Punjab National Bank, Patna in terminating the services of Shri Prakash Peter is justified and what relief the workman is entitled to ?
(ii) Whether the demand for his absorption in bank's service is justified and what relief the disputant is entitled to ?"

2. Today the case record is put up for order.

3. Perused the case record. I find Mr. B. Prasad, the representative of the workman had reported by filing a petition for the workman that the workman was reported to be dead and his death certificate would be filed later on. But even on the last date 16.9.2011 despite the last chance for it as well as any petition for the substitution of any legal heir of the deceased workman, nothing was filed. Hence, the case was closed on 16.9.2011 and accordingly order is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 29 नवम्बर, 2011

का.आ.3831.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ट्रेनिंग शिप चानक्या के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/33 ऑफ 2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 21-11-2011 को प्राप्त हुआ था।

[सं एल-31012/06/2010-आई आर (बी-II)]

शीश राम, अनुभाग अधिकारी

New Delhi, the 29th November, 2011

S.O. 3831.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the Award (*Ref. No. CGIT-2/33 of 2010*) of the Central Government Industrial Tribunal/Labour

Court-2, **MUMBAI** now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of **TRAINING SHIP CHANAKYA** and their workman, which was received by the Central Government on 21/11/2011.

[No. L-31012/06/2010-IR(B-II)]
SHEESH RAM, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

K.B., Katake Presiding Officer

REFERENCE NO. CGIT-2/33 of 2010

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

TRAINING SHIP 'CHANAKYA'

Capt. Superintendent,
Training Ship Chanakya,
At Village Karve,
Nerul,
Navi Mumbai-400706.

AND

THEIR WORKMAN

Shri Balu Babu Ghute,
At & Post Taholi,
Tal. Kalyan.
Dist. Thane.

APPEARANCES:

FOR THE EMPLOYER : Mr. M.B. Anchan,
Advocate.

FOR THE WORKMAN : No appearance.

Mumbai, dated the 18th October, 2011.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L-31012/06/2010-IR(B-II), dated 01.04.2010 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of Captain Superintendent, Training Ship, Chanakya, Mumbai in terminating the services of Shri Balu B. Ghute, ex-steward with effect from 01.04.2008 is legal, just and proper? What relief the workman concerned is entitled to?"

2. Notices were issued to both the parties. However second party though duly served, remained absent.

Registered AD receipt to that effect is at Ex-4. The second party workman did not appear and file the statement of claim. Without Statement of claim, the reference cannot be decided on merits and the same deserves to be dismissed. Thus, I pass the following order:

ORDER

Reference stands dismissed for want of prosecution.
Date: 18.10.2011

K.B. KATAKE, Presiding Officer/Judge

नई दिल्ली, 1 दिसम्बर, 2011

क.आ. 3832.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसारण में केंद्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबंध निरोजकों और अन्य कर्मियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में भारतीय सरकार औद्योगिक अधिनियम 1947 की धारा 17 (अधिनियम संख्या 26/2007) को प्रकृति करती है जो कि राज्य सरकार को 01-12-2011 को प्राप्त हुआ था।

[म. एल-12012/173/2006-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 1st December, 2011

8.3.3832.— in pursuance of Section 17 of the Industrial Disputes Act, 1947, (140 F 1947), the Central Government hereby publishes the Award *Ref. 26/2007* of the *Central Government Industrial Tribunal-cum-Labour Court No. 1, MUMBAI* as shown in the Annexure in the Industrial Dispute between the management of *State Bank of India* and their workman, received by the Central Government on 01.12/2011.

[No. L-12012/173/2006-IR(B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1

MUMBAI

JUDGE G.S. SARRAF, Presiding Officer

REFERENCE NO. CGIT-1/26 OF 2007

Parties : Employers in Relation to the
Management of State Bank of India
And
Their Workmen

APPEARANCES

For the Management : Shri. M.G. Nadkarni, Adv.

For the union

Smt. Pooja Kulkarni, Adv.

State

Maharashtra

Mumbai, dated the 11th day of November 2011.

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section (1) and sub-section (2) of Section 10 of the Industrial Disputes Act 1947 (hereinafter referred to as the Act). The terms of reference given in the schedule are as follows:

Whether the demand of State Bank of India Staff Union is justified and proper to regularise S/Shri Ramesh Ramachandra Patil, Vivek Varant Sawant, Anant P. Bhambale and Mahendra Vishnu Bhanat in the permanent services of State Bank of India? To determine what relief the workmen are entitled to?

According to the statement of claim filed on behalf of the union the workmen concerned have been performing duties within the premises of the bank from about April 1984 along with other similarly situated workmen. In 1991 the bank advertised in the newspapers calling for applications from the said workmen and other similarly situated workmen for permanent appointments in the bank. The workmen concerned along with other workmen responded to the said advertisement and applied permanent appointments. The workmen concerned along with other applicants were interviewed. A waiting list was prepared for the successful candidates but the workmen concerned were retrenched without following due process of law. An industrial dispute was raised on behalf of the said workmen by the union. The said industrial dispute culminated in reference no. CGIT-2/48 of 1996 wherein CGIT-2, Mumbai passed an award dt. 28.8.1997 directing the bank to reinstate the said workmen. The bank did not challenge the said award and the said award became final. However, the bank once again terminated their services w.e.f. 31.10.2006. According to the statement of claim the said workmen performed their duties continuously and in an uninterrupted manner for about 10 years and though the status of the said workmen was that of temporary part time workmen but they performed their duties full day and were paid wages accordingly. The bank with ulterior motive and mala fide intention illegally discontinued the said workmen without assigning any reason. The said discontinuation amounts to illegal retrenchment. The said workmen were paid wages at par with the full time workmen at the time of their illegal retrenchment but the bank computed retrenchment compensation at wages applicable to part time workers. The termination of services of the said workmen is illegal and unjustified and is in violation of Section 25-F of the Act. The union has prayed that it be held that the said workmen are entitled to reinstatement and permanency in the employment of the bank with full back wages, continuity of service and all other consequential benefits.

According to the written statement as the workmen involved in the present dispute could not be absorbed in permanent vacancy till 31.12.1994 when the waiting list was to the scrapped, their services were terminated in January 1995. An industrial dispute was raised relating to the termination of services of the workmen involved in the present dispute and two others. The dispute was ultimately referred by the Ministry of Labour, Govt. of India to the Central Govt. Industrial Tribunal No 2, Mumbai which came to be numbered as CGIT-48 of 1996. The scope of the dispute referred to the CGIT-2 in that reference was as under:

Whether the action of the management of SBI in terminating the services of Shri Tukaram Patil, Shri Ramesh R. Patil, Shri Vishwanath Patil, Shri Mahendra Bhagat, Shri Vivek Sawant and Shri A.P. Bhombale all working as sub-staff in different branches of the bank with effect from 31/1/1995 is legal and justified? If not, what relief the concerned workmen are entitled to?

Whether the action of the management of State Bank of India in not absorbing the services of the above workmen permanently in the bank is legal and justified? If not, what relief the concerned workmen are entitled to?

In the above reference CGIT-2, Mumbai passed an award on 28.8.1997 wherein following order was passed:

(1) The action of the management of State Bank of India in terminating the services of these workmen is not legal and justified.

(2) The management is directed to pay the wages to Tukaram Patil between 1.2.1995 to 21.7.1995, Ramesh Patil between 1.2.1995 to 16.4.1996; Mahendra Bhagat between 1.2.1995 to 16.4.1996; Vivek Sawant between 26.1.1995 to 16.4.1996 and Anant Bhombale between 16.1.1994 to 16.4.1996 in the period they were unemployed.

(3) The action of the management of State Bank of India in not absorbing the services of the above workmen permanent in the bank is legal and justified.

During the pendency of the above reference in CGIT-2, Mumbai the bank engaged the concerned workmen in the month of April 1996 as part time messengers in temporary capacity on half wage scale applicable to subordinate staff. In December 2005 the union raised an industrial dispute before the Assistant Labour Commissioner (Central) Mumbai on the question of non-regularisation and confirmation of the concerned workmen on the post of sub-staff. The bank filed its reply. The conciliation proceedings failed. Therefore, the matter stand referred to this Tribunal for adjudication. When the services of the concerned workmen were no longer required it was decided to disengage them from the bank services and accordingly they were retrenched w.e.f. 31.10.2006 after

duly complying with Section 25-F of the Act. The reasons for their disengagement were specified in the letters addressed by the bank to the workmen and the banker's cheques towards one month's wages in lieu of notice, retrenchment compensation etc. were also enclosed with the said letters addressed to the workmen. All the four workmen involved in the present dispute, therefore, raised industrial dispute before the Asstt. Labour Commissioner (C) Mumbai in their individual capacity demanding reinstatement in service. The conciliation proceedings initiated by the Asstt. Labour Commissioner, Mumbai resulted in failure. However, that dispute has not yet been referred by Min. of Labour Govt. of India, for adjudication. According to the written statement the principle of res judicata as laid down in Section 11 of the CPC is applicable to industrial adjudication also. The question referred to this Tribunal in the present reference is the same as referred to CGIT-2, Mumbai in Ref. CGIT-2/48 of 1996 which was adjudicated upon and answered in favour of the bank vide award dt. 28.8.1997. According to the written statement in the factual situation of the case the principle of res judicata is squarely attracted and, therefore, the reference is not maintainable. According to the written statement the demand of the union is for regularization of services of the concerned workmen in the permanent service of the bank and there is no mention whatsoever about the retrenchment of the concerned workmen. Under the circumstances the dispute is confined only to the question of claim for regularisation in the service of the bank and the question of retrenchment of the concerned workmen is clearly outside the scope of the reference and hence it cannot be gone into by this Tribunal. According to the written statement the concerned workmen were working in the bank on temporary and ad-hoc basis. Moreover, they were not recruited in the bank by following the recruitment procedure prescribed by the bank. As such, no legal right is vested in the concerned employees to claim regularisation and permanency for the bank services. The bank has prayed that the reference be answered in favour of the bank.

Following issues have been framed.

1. Whether the demand of State Bank of India Staff Union is justified and proper to regularise S/Shri Ramesh Ramchandra Patil, Vivek Vasant Sawant, Anant P. Bombde and Mahendra Vishnu Bhagat in the permanent services of State Bank of India?

2. What relief the workman are entitled to?

3. Whether the dispute is barred by principle of res judicata?

* As per the order sheet dt. 13.7.2011 of this Tribunal issue no. 3 may be decided as a preliminary issue.

Heard learned counsels for the parties on issue no.3.

Issue no. 3 : It is a well recognized principle that a decision once rendered by a Competent Authority on a

matter in issue between the parties after a full enquiry should not be permitted to be re-agitated. Section 11 of the CPC may be inapplicable to the present matter but the principle underlying it is founded on sound public policy and is of universal application.

The principle of *res judicata* is conceived in the larger public interest which requires that all litigation must, sooner than later, come to an end. The principle is also founded on equity, justice and good conscience which requires that the party which has once succeeded on an issue should not be permitted to be harassed by multiplicity of proceedings involving determination of the same issue.

One issue in the reference no. CGIT-2/48 of 1996 was as under:

Whether the action of the management of State Bank of India in not absorbing the services of the above workmen permanently in the bank is legal and justified? If not, what relief the concerned workmen are entitled to?

CGIT-2 Mumbai by award dt. 28.8.1997 has held that the action of the bank in not absorbing the services of the above workmen in permanent service is legal and justified.

The issue referred to this Tribunal in the present reference is as under:

Whether the demand of State Bank of India Staff Union is justified and proper to regularise S/Shri Ramesh Ramachandra Patil, Vivek Vasant Sawant, Anant P. Bhomble and Mahendra Vishnu Bhagat in the permanent services of State Bank of India? If So, then what relief the workmen are entitled to?

It is absolutely clear that one issue in the reference CGIT-2/48 of 1996 and the issue referred to this Tribunal in the present reference are the same and it is also clear that the parties are substantially the same. It is also not in doubt that the issue has been answered by CGIT-2 Mumbai on merits after full hearing. From this it follows that when there is a subsisting award binding on the parties, this Tribunal has no jurisdiction to consider the same point in this reference.

Issue no. 3 is therefore, decided in favour of the bank and it is held that the dispute is barred by principle of *res judicata*.

In view of the above the workmen are not entitled to any relief.

Award is passed accordingly.

JUSTICE G. S. SARRAF, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 2011

का.आ. 3833.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय

सरकार कौर वैश्य बैंक प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलोर के पंचाट (संदर्भ संख्या 125/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 01-12-2011 को प्राप्त हुआ था

[फा सं एल-12011/13/2007-आई आर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 1st December, 2011

S.O.3833.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (*Ref. 125/2007*) of the Central Government Industrial Tribunal-cum-Labour Court, BANGALORE as shown in the Annexure in the Industrial Dispute between the management of KARUR VYASYA BANK and their workman, received by the Central Government on 01/12/2011.

[F.No. L-12011/13/2007-IR(B-1)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated: 30th April 2010

PRESENT:

Shri S.N. NAVALGUND, Presiding Officer

C.R. No. 125/2007

I PARTY

The General Secretary, The General Manager(P)

Karur Vyasya Bank

Employees Union,

20, West Anjaneya

Temple Street,

Basavangudi,

BANGALORE-560004

II PARTY

Karur Vyasya Bank

Head Office, Erode Road,

Karur (TN)

KARUR-639002

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and Sub-section 2A of Section 10 of the Industrial Disputes Act, 1947(14 of 1947) has referred this dispute *vide* order No. L-12011/13/2007/IR(B-1) dated 31.08.2007 for adjudication on the following Schedule:

SCHEDULE

Whether the action of the management of Karur Vyasya Bank in denying the formulation of specific transfer policy sought by Karur Vyasya Bank Employees Union, is fair and justified? If not, to what relief the union is entitled?

Award pronounced CR No. 125/07 by Shri S.N. Navalgund, Presiding Officer, CGIT.LC, Bangalore.

2. Pursuant to the notices issued by this tribunal to both the parties, the first party entering is appearance through an Advocate filed a detailed Claim Statement on 16.11.2007 running into 21 pages. Whereas, the Second Party entering its appearance through an advocate instead of filing the Counter Statement, to the Claim Statement filed by the first party, approached the Hon'ble High Court of Karnataka in Writ Petition No. 17390/2007(L-Res.) questioning the reference.

3. The Hon'ble High Court after causing notice to the Union of India, Ministry of Labour, Asstt. Labour Commissioner(C), Govt. of India and the first party union arrayed as Respondents (1) & (2) and (3) in the Writ Petition and after hearing the learned advocates appearing for both the sides by order dated 06.03.2009 quashed the reference in question.

4. After the order of Hon'ble High Court in Writ Petition referred above, the learned advocate appearing for the Second Party producing is certified copy with his memo requested to dispose off the matter. On 28.04.2010, when the matter was called before this tribunal, the learned advocate appearing for the Second Party producing the Xerox copy of the decision rendered in Writ Petition No. 17390/2007(L-RES) reported in ILR 2009 KAR 2069 brought to the notice that the decision rendered by the Hon'ble High Court quashing this reference being reported in ILR 2009 Kar 2069.

Award pronounced in CR No. 125/7 by Shri S.N. Navalgund, Presiding Officer, CGIT.LC, Bangalore

5. Having regard to this decision of the Hon'ble High Court Shri Hanumanthe Gowda claims to be the Clerk of the first party advocate submitted that he has been instructed by his Advocate that he has no objection to close the reference in view of the decision of Hon'ble High Court in Writ Petition No. 17390/2007 dated 06.03.2009.

6. The Hon'ble High Court holding that the transfer being an incidental to the service and it is prerogative of the management, there cannot be any imposition of particular formula in the matter of transfer, in so far as the employees of the banks are concerned, who are party to All India Bank Employees Association and other employees of the Association, who have already entered into a settlement and are bound by Sastri Award quashed the reference in question.

7. In view of the decision rendered by Hon'ble High Court quashing the reference in question, this tribunal has nothing to do except to reject the reference. In the result, I pass the following Award:

AWARD

The reference is rejected. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 30.04.2010)

S.N. NAVALGUND, Presiding Officer

Award pronounced in CR No. 125/07 by Shri S.N. Navalgund, Presiding Officer, CGIT.LC, Bangalore.

नई दिल्ली, 1 दिसम्बर, 2011

का.आ. 3834.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ मैसूर प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट (संदर्भ संख्या 08/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-12-2011 प्राप्त हुआ।

[फा सं एल-12012/140/2006-आई आर (बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 1st December, 2011

S.O.3834.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the Award Ref. 08/2007 of the *Cent.Govt.Indus.Tribunal-cum-Labour Court, BANGALORE* as shown in the Annexure, in the industrial dispute between the management of *State Bank of Mysore*, and their workmen, received by the Central Government on 01/12/2011

[No.L-12012/140/2006-IR(B-1)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated: 7th July 2010

PRESENT:

Shri S.N. NAVALGUND, PRESIDING OFFICER

C.R. No. 08/2007

I PARTY

The General Secretary,
State Bank of Mysore
Employees Association
No.641, 22nd Main,
4th T Block, Jayanagar,
BANGALORE-560041

II PARTY

The Dy. General Manager,
State Bank of Mysore
Regional Office,
Hassan,
KARNATAKA

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and Sub section 2A of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) has referred this dispute vide order No.L-12012/140/2006-IR(B-1) dated 01.02.2007 for adjudication on the following Schedule:

SCHEDULE

"Whether the action of the Management of State Bank of Mysore in imposing the alleged punishment of "BE WARNED" on the workman Shri C.B. Prabhudeva is legal and justified? If not, to what relief the workman is entitled?"

2. Pursuant to the notice issued by this tribunal, both the parties entered their appearance through their respective advocates and on 13.04.2007 the first party filed the claim statement. Thereafter, my learned Predecessor after giving several opportunities to the Second Party to file the Counter ultimately taking that Second Party has no Counter to file, posted the case for evidence of first party and accordingly the first party filed his affidavit in lieu of his evidence on 09.02.2010. On the same day *i.e.* on 09.02.2010, the counsel for the second party filed an application to recall the order dated 20.03.2008 and to permit him to file the Counter Statement and the same was allowed and counter statement was taken on record. Then the first party produced the following documents and requested to permit him to give evidence to get them marked.

1. The charge sheet dated 1.08.2002
2. The letter dated 04.08.2002 seeking time to reply charge sheet
3. Letter of the enquiry constituted by the second party dated 4.08.2002
4. Daily order sheet dated 12.03.2002
5. Written brief of the Presenting Officer
6. Written brief dated 23.05.2003 of the first party
7. Show case notice dated 14.10.2003
8. Reply to show cause notice dated 2.11.2003

Award pronounced in CR No.08/2007 by Shri S.N. Navalgund, Presiding Officer, CGIT Cum Labour Court, Bangalore.

9. Findings of Enquiry officer dated 19.06.2003
10. Letter dated 13.12.2003 of the Enquiry Officer to reopen the enquiry.

11. Daily Order sheet dated 13.12.2003
12. Written brief of the Presenting Officer
13. Written brief dated 28.1.2004
14. Findings of enquiry officer dated 23.2.2004
15. Show cause notice dated 6.03.2004
16. Reply to show cause notice dated 28.03.2004
17. Orders dated 17.05.2004
18. Appeal Memorandum dated 20.06.2004
19. Letter to the Appellate Authority dated 8.06.2005
20. Orders of the Appellate Authority dated 15.06.2005
21. Appreciation letter for mobilising deposits (2 in Nos).

3. Since the counsel for the Second Party submitted that he has no objection to mark those documents and to receive them in evidence on 25.05.2010, the said 21 documents were marked as Ex. W1 to W21 respectively. On 25.05.2010, since the representative of the first party filed a memo conceding the fairness of the enquiry with a request to post the case for arguments on victimization, dispensing with the Preliminary Issue regarding the enquiry as agreed by the learned advocate appearing for the Second Party, the matter was posted for arguments on 10.06.2010 and on that the Union Representative filed a written arguments and counsel for the second party addressed his oral arguments.

4. It is borne out from the records, the claim statement and the counter statement filed by the parties, the first party was working at Chickmagalur Branch of the Second Party and pursuant to a complaint filed by his co-worker, Smt. Kanthamani, a charge sheet was served on the first party that on 30.08.2001 around 11.45 AM while going towards the table where Smt. Kanthamani, Clerk was working and was talking to a customer Miss. P. Mani shouted at her using abusive language in Kannada see copy regional language No. 4 and thereby maligned the image of Smt. Kanthamani and put her to humiliation, insult and personal dignity and after collecting his denial reply the disciplinary authority appointed Shri M.R. Bhima Rao, Manager, as Presenting Officer and Shri S. Shirdish, Chief Manager, SBM as Enquiry Officer. The enquiry officer after recording the statements of the complainant, Smt. Kanthamani and others, considering the evidence brought before him, by his report dated 19.06.2003 held that on 30.08.2001 there was some exchange of words between the first party and Smt. Kanthamani but the actual words uttered by Shri C.B. Prabhudeva/first party could not be ascertained, hence according to him the charge is partly proved. The Disciplinary Authority while sending the copy

of this report issued a show cause notice to the first party to show cause as to why his one increment w.e.f. 1.04.04 for one year without cumulative effect be imposed against him. After the first party gave reply to the said show cause notice considering his objection/explanation, the disciplinary authority directed the enquiry officer to reopen the enquiry and to make re-enquiry. Then the enquiry officer after receiving the written briefs of both the sides submitted his findings to the effect that the charge has not been proved. Then again the Disciplinary Authority while sending the copy of this enquiry findings served a show cause notice on the first party why punishment of reduction of one increment w.e.f. 1.04.2004 for one year without cumulative effect be imposed. After the first party submitted his reply to the said show cause notice the Disciplinary Authority ordered the punishment of 'Be Warned' by order dated 17.05.2004. Then this order imposing punishment of 'Be Warned' was challenged by the first party before the Appellate Authority and the appellate authority by order dated 15.06.2005 confirmed the order of punishment observing that the first party has not brought out any new points in his appeal. Aggrieved by the said order the first party raised the dispute before the conciliation officer and as it failed, the present reference came to be made by the Central Govt.

5. From the facts narrated above, the points that arise my consideration is "Whether the Disciplinary Authority is justified in imposing the impugned punishment of 'Be Warned', when the enquiry findings was in the 'Negative' as to the charge levelled against the first party?

6. On reappraisal of the material brought before the Enquiry Officer, his report and the impugned order of punishment passed by the Disciplinary authority in the light of the arguments submitted before me, my finding on the above point is in the 'Negative' and the punishment imposed against the first party deserves to be set aside.

7. The enquiry officer who in the first instance gave a finding to the effect that on the day alleged incident i.e. on 30.08.2001, there was exchange of words between Shri C.B. Prabhudeva/first party and Smt. Kanthamani/complainant but the actual words uttered by the first party being not ascertainable the said charge is partly proved. Later when he was directed to hold re-enquiry, having regard to the evidence of complainant and her two friends and also the Manager and the other staff members, came to the conclusion that the charge has not been proved. The Disciplinary Authority under the impugned order without reversing the finding of the enquiry officer baldly stating in his order, 'taking into consideration the circumstances under which the incident occurred, the age of the employee and his total service in the bank and the employee has also expressed his regret to the Chair Person, Committee for prevention of sexual harassment against women vide his letter dated 16.01.2002, I am taking a lenient view and reduce the proposed punishment to warning and

accordingly I order the punishment of "Be Warned" in terms of memorandum of settlement on disciplinary action procedure for workmen dated 10.04.2002".

8. When the enquiry officer has unequivocally arrived at a conclusion that the charge has not been proved, the disciplinary authority in the absence of reversing that finding passing the impugned order 'Be Warned' against the punishment proposed for reduction of one increment is unreasonable and unwarranted. Only because the first party who was admittedly senior to the complainant, Smt. Kanthamani asked her not to disturb the bank working keeping talking with her friends, it cannot be said by any stretch of imagination that he had any intention of insulting or humiliating her in the public view. Moreover, the branch manager who was very much present in the bank premises did not support the allegations/charge made against the first party, there was no reason for the Disciplinary Authority to impose the impugned punishment of 'Be Warned'. Therefore, I arrived at the conclusion that the said punishment deserves to be set aside and the first party is entitled for exoneration from the charge leveled against him. Having regard to the impugned action of the Management/Disciplinary Authority imposing punishment of 'Be Warned' when the findings on charges was in the 'Negative' and dragging the first party for this dispute I feel it appropriate to saddle the management with costs of Rs. 2000/-. In the result, I pass the following Award.

AWARD

The reference is allowed and the action of the management, State Bank of Mysore in imposing the alleged punishment of 'Be Warned' on the workman, Shri C.B. Prabhudeva/the first party is held as illegal and unjustified and the workman is exonerated from the charge leveled against him. Under the circumstances, the second party management is directed to pay cost of Rs. 2000/- to the first party.

S.N. NAVALGUND, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2011

का.आ.3835.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (एलसीआईडी संख्या 59/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 07-12-2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आई आर (सी-11)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 7th December, 2011

S.O. 3835.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad* (CGIT/LCID/59/2006) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *SCCL* and their workman, which was received by the Central Government on 07/12/2011.

[No. L-22013/1/2011-JR (C-II)]
D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

PLAINT:

Sri Ved Prakash Gaur, Presiding Officer

Dated the 24th day of November, 2011

INDUSTRIAL DISPUTE L.C. No. 59/2006

BETWEEN:

Sri Alla Sammi Reddy,
S/o Malla Reddy,
C/o M/s. A.K. Jayaprakash Rao,
Advocates, D.No. 3-4-206/2,
Lingampally, Kachiguda,
Hyderabad-500 027.Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Kalyankhani Post,
Adilabad District.
2. The Superintendent of Mines,
M/s. Singareni Collieries Company Ltd.,
RK-1A Incline, Mandamarri Area,
Kalyankhani Post, Adilabad District.

Respondents

APPEARANCES:

- | | |
|--------------------|--|
| For the Petitioner | : M/s A.K. Jayaprakash Rao,
K. Srinivas Rao & Sathya,
T. Bal Reddy, M. Govinda,
K. Ajay Kumar & Venkatesh
Dixit, Advocates |
| For the Respondent | : M/s P.A.V.V.S. Sarma &
Vijaya Luxmi Panguluri
Advocates |

AWARD

Sri. A Sammi Reddy, an ex. Employee has filed this petition under Sect. 2A((2) of the I.D. Act, 1947 challenging the action of the management in terminating his services w.e.f. 31.10.2005 and to declare action of management as illegal, unjust, arbitrary and against the principles of natural justice.

2. It has been submitted by the Petitioner that he entered into the services of Respondent management on 25.10.1970 as voluntary casual worker. At the time of entering into service his age was 19 years but the management recorded his age as 25 years. In the year 1988, the management displayed a circular on the notice board for changing/making correction in the date of birth of the workers in service book as per the educational qualification of the workers and to that notice effect notice was displayed. The management asked the workers to produce certificates who dispute their date of birth. Consequent to that circular the applicant made an application/representation for correction of his date of birth attaching copy of school certificate before the concerned official. But the management did not correct the date of birth of Petitioner. The management company has prescribed the age of retirement rules which came into effect from 3.8.1959 which state that, "Every person on entering the company service shall declare his date of birth which shall not differ from any declaration expressed on implied for any public office before entering company's service." It is further stipulated that, "The date of birth as recorded in the school or college certificate will be adopted without any modification, where documentary evidence of age or date of birth is not produced at the time of first appointment the candidate shall be required to produce satisfactory evidence of his date of birth to the Chief Surgeon and Medical Officer at the time of medical examination, who shall assess the age and record his own opinion on the medical certificate of health."

3. Petitioner has submitted that as per retirement rules the age should have been assessed on proof of school certificate but, in the case of Petitioner that rule was not followed nor the Petitioner was examined by medical officer at the time of entering into service. The Petitioner made several representations to correct the date of birth as 25.6.1951 but the management has erroneously entered his age as 25 years on the date of entry into the service. The Petitioner was advised by the management to attend before the age determination committee along with his documents. Accordingly, Petitioner attended the committee and produced xerox copy of the document. There was a provision that where there is variation in age determined by the Medical Board and one claimed by the employee, the case will be referred to age determination committee. The Petitioner was sent to medical board and Petitioner appeared before the Apex Medical Board on 29.12.2003 and Apex Medical Board assessed age of the Petitioner to

be 58 years as on 20.10.2003. The correct age of the Petitioner was 53 years as on 20.10.2003 but the same was not corrected and the Petitioner has been retired on 31.10.2005 as such, the action of the company is illegal, arbitrary, unjust and violative of principles of natural justice.

4. The management has filed counter statement stating therein that the Petitioner has prayed this Tribunal without approaching the conciliation proceeding as such, petition under Sec. 2A(2) is not maintainable. Petitioner's age was entered as 25 years on the date of the entry. He disputed his age hence, his case was referred to Apex Medical Board which assessed his age in the year 2003 and he was found to be 58 years on 20.10.2003. Petitioner filed a petition before the Hon'ble High Court challenging the date of birth which was not considered. At the time of entry in the service Petitioner did not produce any school certificate. The alleged birth certificate was not produced by the Petitioner before the management. The Apex Medical Board is competent authority to assess the age of the Petitioner and this Tribunal has no mechanism to reassess the age of the Petitioner. The petition is devoid of merit and not maintainable under Sec. 2A(2) and deserves to be dismissed.

5. In support of his claim, the Petitioner has filed 8 documents and the Respondent has also filed 11 documents which consists of xerox copies of identity and service card, coal mines provident fund papers, alleged transfer certificate from school and original report of age assessment board. Apart from that the management has filed copy of the order of Hon'ble High Court in WP No. 22923 of 2005 between Aalla Sammi Reddy and M/s. Singareni Collieries Company Ltd., challenging the action of his requirement and his date of birth. No other evidence was produced by either party nor the parties have appeared for making oral argument in the present case. As such, this Tribunal itself has gone into the entire file, evidence and pleadings of the parties.

6. This Tribunal has to consider the following points:

(I) Whether the action of management in retiring the Petitioner on 31.10.2005 is illegal, arbitrary and unjust as claimed by Petitioner or not.

(II) To what relief the Petitioner is entitled if any?

7. **Point No.(I):** Petitioner's own contention is that he studied upto 10th class and as per his school certificate his date of birth is 25.6.1951. However, the Petitioner himself has alleged in the claim petition that at the time of entry in the service his age was recorded as 25 years and the assessment was being made by medical Officer. However, the Petitioner is silent on the question of production of school certificate before the management at the time of entry into service. Petitioner himself has alleged that his age was assessed by Medical Officer. If the

Petitioner produced school leaving certificate at the time of entry in the service, in that case what was the reason to assess the age of the Petitioner through a Medical Officer is not clear. The rules quoted by Petitioner himself stipulates that where there is no documentary evidence regarding proof of the age at the time of the entry into service, the age of a worker shall be determined and assessed by the Medical Officer. The rules itself provides that where there is no documentary evidence with regard to the proof of the age, the age shall be determined by Medical Officer and that age shall be taken and accepted as age at the time of entry into service. According to the pleadings of the Petitioner he entered into service in the year 1970, whereas xerox copy of the school transfer certificate produced by the Petitioner shows that the Petitioner made an application for copy of the transfer certificate on 6.3.1980, that is about 10 years after joining of the service as such, the petitioner can not say that he produced a school transfer certificate at the time of entry into service. If the Petitioner would have obtained this copy before the year 1970, he would have produced this certificate before the employer at the time of the entry into the service. Thus, from the own documentary evidence it appears that Petitioner has not obtained any copy of the school leaving certificate before 6.3.1980 as such, his date of birth and age at the time of entry into the service was recorded on the basis of assessment made by Medical Officer.

8. Respondents have filed xerox copy of the identity card in which his age at the time of entry into service in the year 1970 is recorded as 25 years. This means that the Petitioner was of 25 years on the date of entry into the service. Accordingly, if 25 years is subtracted from 1970 the year of birth comes to be either 1945 or 1946. Not only that it is admitted case of the Petitioner as well as that of the Respondent that dispute being raised by the Petitioner regarding correctness of his age was referred to the Apex Medical Board and Apex Medical Board of the company has confirmed the age of the Petitioner on 20.10.2003 to be as 58 years.

9. Admittedly Petitioner has produced himself before the Apex Medical Board in the year 2003 and the Apex Medical Board of the company determined the age of the Petitioner and gave its report stating that Petitioner's age is 58 years on 20.10.2003 which is available on this file in the original form as such, it can not be said that the Petitioner's age was not correctly entered in the service record or else it is excessively entered at the time of joining the service.

10. It is also admitted fact between the parties that the Petitioner filed WP No.22923/2003 challenging the action of management in retiring him on 31.10.2005 which has been dismissed by Hon'ble High Court with the observation that "this court cannot substitute its opinion for that of the Medical Board. Further, it is not as if the Petitioner is in possession of any conflicting documentary

evidence. One can understand that if the claim of the Petitioner is based upon the Secondary School Certificate it could have been acceptable but the transfer certificate issued by a school can not constitute the clinching evidence, in the matter of date of birth. The court can not substitute its opinion for that of a specialized agency, like the Medical Board and thereby the petition was dismissed." Thus, the matter regarding correctness or otherwise of date of birth of Petitioner has been decided by Hon'ble High Court, and Hon'ble High Court has come to the conclusion that the court can not substitute its opinion for that of a Medical Board with regard to the date of birth.

11. This petition has been filed after dismissal of the writ petition and Petitioner has not filed any clinching evidence even before this Tribunal to contradict the entry made by management in his service book as such, this Tribunal is also of the opinion that the age of the Petitioner mentioned in his service book at the time of entry in the service is genuine and correct and he was rightly retired on 31.10.2005 on attaining the age of 60 years, hence, the action of the management can not be said to be either illegal, unjust, arbitrary or contrary to the principles of natural justice.

12. It is not a case of retrenchment, termination or dismissal or disengagement from the service. The retirement of an employee from the service is a legal consequence of the service rules on attaining certain age by an employee and it does not come within the purview of the Sec.2A(2). This Tribunal is of the considered opinion that the Petitioner was rightfully superannuated on attaining the age of 60 years on the basis of the age mentioned in service record of Petitioner by the management at the time of the entry of the Petitioner in the service. The claim is devoid of any merit and deserves to be dismissed. Point No.(I) is decided accordingly.

13. **Point No.(II):** Petitioner has not been able to prove that date of birth entered into his service book is incorrect as such, he is not entitled to any relief for any relief. Point No.(II) is decided accordingly.

14. As discussed above, there is no merit in claim petition hence, this petition deserves to be dismissed and it is dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 24th day of November, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner NIL

Documents marked for the Respondent NIL

नई दिल्ली 7 दिसम्बर, 2011

का.आ. 3836.—औद्योगिक विवाद अधिनियम, 1947 (1947 कर 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफए सीए आईए के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संख्या 1, धनबाद के पंचाट (संदर्भ संख्या 266/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/12/2011 को प्राप्त हुआ था।

[सं. एल-22012/297/94-आई आर (सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 7th December, 2011

S.O.3836.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (*Ref. No. 266/1994*) of the *Central Government Industrial Tribunal-cum-Labour Court No-1, Dhanbad* as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of *FCI*, and their workman, which was received by the Central Government on 07/12/2011.

[No. L-22012/297/94-IR(C-II)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

(LOKADALAT)

In the matter of a reference U/S. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 266 of 1994

Parties : Employers in relation to the management of Food Corporation of India, Patna.

V/s

Their Workmen

PRESENT:

Shri H.M. Singh, Presiding Officer

APPEARANCES:

For the Employers	: Shri B.M. Prasad, Advocate.
For the Workman	: Shri Akhilesh Kumar Mishra, Concerned workman.
State	: Bihar.
Industry	: Food.

Dated, the 25-11-2011.

AWARD

By Order No. L-22012/297/94-IR-(CI) dated 15.11.1994 the Central Govt. in the Ministry of Labour has, in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

'Whether the action of the management of FCI in not regularizing Shri Akhileshwar Kumar Mishra as Category III w.e.f 1.9.1983 is Justified?

If not, to what relief the workman is entitled to?

2 On 21.7.2011 the concerned workman appeared before the Lok Adalat and submitted that he had already filed a petition for withdrawal of the reference case as the matter regarding his grievance has already been settled by the management and he has been promoted to A-III(G) and thereafter A-II (General). It, therefore, appears that there is no dispute between the management and the concerned workman.

3. In such circumstances, I render a 'No Dispute' Award in this reference case.

H.M. SINGH, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 2011

का.आ. 3837.—औद्योगिक विवाद अधिनियम, 1947 (1947 कर 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस्सीआईडी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (एस्सीआईडी संख्या 25/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07/12/2011 को प्राप्त हुआ था।

[सं. एल-22013/1/2011-आई आर (सी-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 7th December, 2011

S.O. 3837.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award *Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad (CGIT/LCID/ 25/2006)* as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SSCL and their workman, which was received by the Central Government on 07/12/2011.

[No. L-22013/1/2011-IR(C-II)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE**BEFORE THE CENTRAAL GOVERNMENT
INDUSTRIAL TRIBUNAL****CUM LABOUR COURT AT HYDERABAD**

present:—Shri Ved Prakash Gaur

Presiding Officer

Dated the 16th day of November, 2011

INDUSTRIAL DISPUTE L.C. No. 25/2006**BETWEEN:**

Sri Mekala Raya Posham,
S/o Kumaraiah,
R/o Qt. 68B, Pranahita Colony,
Mandamarri Area, Adilabad District.

.....Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
KK-5 Incline, Mandamarri Area,
Kalyankhani (Post), Adilabad District.
2. The Superintendent of Mines,
M/s. Singareni Collieries Company Ltd.,
KK-5 Incline, Mandamarri Area,
Kalyankhani (Post), Adilabad District.

.....Respondents

Appearances:

- | | |
|--------------------|--|
| For the Petitioner | : M/s. A.K. Jayaprakash Rao,
K. Srinivas Rao, P.Sudha,
T. Bal Reddy, M. Govind.,
K. Ajay Kumar & Venkatesh
Disxit, Advocates |
| For the Respondent | : M/s. P.A.V.V.S. Sarma &
Vijaya Laxmi Panguluri,
Advocates |

AWARD

This petition under Sec.2 A (2) of the I.D. Act, 1947 has been filed by Sri M. Raya Posham. ex. Employee of the M/s. Singareni Collieries Company Ltd., challenging order of his voluntary retirement dated 30.9.2005.

2. It has been submitted that Petitioner filed his school certificate in support of his age proof which was accepted by the management, the date of birth of the Petitioner was recorded as 1.2.1953. The Petitioner was issued with the service record wherein the date of retirement of the Petitioner was mentioned as 30.9.2005. After receipt of this notice of record when Petitioner verified he found that the date of birth in service record was mentioned as 23.9.1945. He moved the Respondent to correct his date

of birth which was not done by the Respondent. Thereafter he filed writ petition which was dismissed by the Hon'ble High Court with the direction to the management to pass appropriate order on the representation of the Petitioner. Petitioner made representation on 21.10.2005, along with birth certificate which discloses the date of birth of the Petitioner as 1.2.1953, but Petitioner was retired on 30.9.2005. The Petitioner again filed WP No. 21112 of 2005 which was later on withdrawn by the Petitioner with liberty to approach labour tribunal. Hence, this petition. The Petitioner has challenged action of the management as arbitrary and illegal.

3. Respondent management has filed counter statement stating therein that the petition is not maintainable under Sec.2A(2). It has been mentioned that the age of retirement/superannuation is 60 years. The Petitioner has retired from service on 30.9.2005 after attaining the age of superannuation. The Petitioner's claim that he filed school certificate at the time of entry into service is incorrect. At the time of entry into the service the Petitioner did not submit any age proof certificate. At the time of entry his age was assessed by the Medical Officer and on the basis of the assessment made by Medical Officer as 25 years on 23.9.1970, age was entered in the service record. Since Petitioner did not submit any school certificate in support of his age, the sole basis of ascertaining the age was medical opinion. On the basis of assessment of age by Medical Officer, Petitioner entered into service and served under the management and has retired from service after attaining the age of superannuation. The petition is misconceived and deserves to be dismissed.

4. Petitioner has filed his examination in chief i.e., affidavit. Respondent has filed 8 documents, consisting of initial medical examination, service register, identity card wherein the age of the Petitioner was mentioned as 23.9.1945. In provident fund papers also the date of birth of the Petitioner was mentioned as 23.9.1945, a xerox copy of which is filed by the Respondent. The Petitioner did not appear for cross examination however, he filed study, conduct & Date of Birth Certificate from Z.P. School, Jookal as proof in support of his claim. Since Petitioner did not appear for cross examination, the Respondents also stated that he will not lead any evidence. The Respondents further stated that the petition is not maintainable as it is not a case of discharge, dismissal or disengagement from the service. Petitioner was retired on attaining the age of superannuation age which action does not come within the purview of Sec.2A(2) hence, petition should be dismissed.

5. I have heard Respondent's counsel and I have considered the material available on record.

6. Petitioner has challenged the action of management in retiring the Petitioner on before attaining the age of superannuation. The contention of the Petitioner is that his date of birth was 1.2.1953 at the time of entry

into service in support of which he filed birth certificate before management at the time of the entry. But he has not been able to prove before this Tribunal that he ever produced any birth/age proof certificate at the time of entry into the service. No doubt, the Petitioner has filed study, conduct and date of birth certificate alleged to have been issued by Z.P. Secondary School, Jookal wherein the date of birth of one Mr. Mekala Raya Posham, S/o Komuraiah is said to be 1.2.1953. But this certificate has not been proved either by Petitioner or by competent person from Z.P. Secondary School who allegedly issued this certificate. Moreover, Mekala Rayaposham, S/o Komuraiah is resident of which village or Tahasil has been mentioned in this certificate. It is mentioned that he studied in the first and second classes, but this document has not been proved by any competent person or by the Petitioner himself. Petitioner has not presented himself for cross examination as such, the affidavit filed by him as his examination in chief is of no help to him. As against this document, the Respondent has filed the service record wherein the date of birth of Petitioner is mentioned as 23.9.1945. Petitioner has not filed any evidence in support of his case that he submitted any document in support of proof of his age at the time of his entry in the service. There is no evidence on record even at this stage to arrive at the conclusion that the Petitioner's date of birth is 1.2.1953 and he was prematurely retired by the Respondent management. It is not a case of retrenchment, termination or dismissal or disengagement from the service. The retirement of an employee from the service is a legal consequence of the service rules on attaining certain age by an employee and it does not come within the purview of the Sec.2A(2). This Tribunal is of the considered opinion that the Petitioner was rightfully superannuated on attaining the age of 60 years on the basis of the age mentioned in service record of Petitioner by the management at the time of the entry of the Petitioner in the service. The claim is devoid of any merit and deserves to be dismissed. Petitioner is not entitled for any relief and petition is dismissed. Hence, this award.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistance transcribed by her corrected by me on this the 16th day of November, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1: Sri Mekala Raya Posham	NIL
Documents marked for the Petitioner	NIL
Documents marked for the Respondent	NIL

नई दिल्ली, 7 दिसम्बर, 2011

का.आ.3838.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट (संदर्भ संख्या 15/2010-11) को प्रकाशित करती है जो केन्द्रीय सरकार को 7/12/2011 को प्राप्त हुआ था।

[सं. एल-22012/50/2010-आई आर (सीएम-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 7th December, 2011

S.O. 3838.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 15/2010-11 of the *Central Government Industrial Tribunal-cum-Labour Court, NAGPUR* as shown in the Annexure, in the Industrial dispute between the management of *Durgapur O/C Mines of WCL*, and their workmen, received by the Central Government on 07/12/2011.

[No. L-22012/50/2010-IR(CM-II)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

Advocate for the management is present.

The petitioner is absent on Calls. No Step has been taken on behalf of the petitioner.

None also appears on behalf of the petitioner.

Perused the record. A last chance was given to the petitioner on the previous date to file the statement or claim. In spite of the same, the statement of claim has not been filed. It appears from the record that the petitioner does not want to proceed with the case anymore.

As the petitioner filed to appear and to file statement as claim, it is necessary to pass "no dispute award" in this case. Hence, it is ordered:—

The reference may be treated as a "no dispute award".

Sd/-Illegible
(Presiding Officer)

नई दिल्ली, 7 दिसम्बर, 2011

का.आ.3839.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सी.पी.डब्ल्यू.सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 34/2004 को प्रकाशित करती है जो केन्द्रीय सरकार को 7/12/2011 को प्राप्त हुआ था।

[सं. एल-42012/266/2003-आई आर (सी एम-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 7th December,

S.O. 3839.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 34/2004 of the *Central Government Industrial Tribunal-cum-Labour Court*, No. 2, Chandigarh as shown in the Annexure in the industrial dispute between the management of *Central Public Works Department*, and their workmen, received by the Central Government on 07/12/2011.

[No. L-42012/266/2003-IR(CM-II)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present:

Sri A.K. Rastogi, Presiding Officer,

Case No. I.D. 34/2004

Registered on 26.8.2004

The Zonal Secretary, All India CPWD Karamchhari Sangathan, CPWD Store Building, Sector 7-B, Chandigarh.
.....Claimants

Versus

The Executive Engineer, Karnal Central Division, Central Public Works Department, 448, Subhash Colony, Karnal, Haryana.

Respondent

Appearances

For the Workman : Sh. Tejinder and Sh. S.D. Sharma

For the Management : Sh. G.C. Babbar, Advocate.

AWARD

(Passed on No. 04, 2011)

Central Government vide Notification No. L-42012/266/2003 [IR(CM-II)] Dated 19.8.2004, by exercising its powers under Section 10 sub Section (1) Clause (d) and Sub Section (2-A) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'Act') has referred the following industrial dispute for adjudication to this Tribunal:—

"Whether the contract between the management of CPWD and their contractor is sham and whether the demand of All India CPWD (MRM) Karamchhari Sangathan for regularization of the services of Sh. Anant Ram, S/o Sh. Nathu Ram, chowkidar in the organization of CPWD is legal and justified? If yes, to what relief he is entitled?"

In the reference, Zonal Secretary All India CPWD (MRM) Karamchari Sangathan (hereinafter called as 'Union') has been shown as the only claimant but in the claim statement concerned person Sh. Anant Ram son of Shri Nathu Ram has also joined as claimant and the claim statement has been signed by him only.

The case of the claimants is that Sh. Anant Ram hereinafter referred as claimant-2 had been employed by the management as chowkidar through a contractor at Nilokheri Sub division with effect from 26.7.1996 for attending the work of perennial nature and he continued as such till 30.9.2002 when upon his claim for the payment of minimum wages, his services were abruptly terminated in violation of the provisions of the Act. It has been further stated that although claimant-2 was engaged through contractor yet for all intents and purposes he was absolutely under the complete control of the management and so called contract was only a camouflage to defeat the provisions of law. He was engaged by the management through contractor to deprive him of the benefits and protection provided to the contract labourer under the labour laws. His work was supervised directly by the officials of the management. He always discharged his duties under the control, direction and authority of the management and always remained answerable to the management in relation to the duties assigned to him. His work was of perennial nature and his employment was not concurrent or simultaneous with the award of any particular contract. He continued working under different contractor. There existed relationship of employer and employee between the management and claimant-2. The latter worked since 26.7.1996 continuously without any break in service and completed 240 days in a year for more than six years yet his service were terminated without any notice, notice pay and compensation etc. Further while terminating his services, person juniors to him were retained. There are vacant sanctioned posts available with the management but the management failed to consider his claim for regularization against vacant posts. Claimants have claimed his regularization and pay parity with the regular employees.

The claim was contested by the management. It was denied that the concerned claimant is a workman under the provisions of the Act as he had been engaged by the management and paid wages by it. It was also contended that the Claimant No. 1 i.e. Union is not a recognized body and is not competent to represent the cause of the claimant No. 2 nor the latter can be a member of the Union as he workman is not the employee of the management. He might have been a contract labour and the claim petition is bad for not joining the contractor. There existed no relationship of master and servant with the concerned claimant and he has no locus standi to raise the present dispute. The management has entered into a contract with the security agency to provide the security guards. The department paid the amount to the contractor as per the rate agreed under

the agreement and the contractor was responsible to pay the wages to the persons engaged by him. The management is not aware whether claimant-2 was actually engaged by the service agency. It was denied that he has been engaged by the management through contractor and management was having supervision on it as it was the contractor who was responsible for the security job assigned to him under the contract. It was also denied that the work was of the perennial nature. The department has banned the employment of the contract labour; therefore, on completion of the contract with the last contractor, the contract was not renewed. According to the management, as claimant-2 was neither engaged nor terminated by the management and the management was not maintaining the seniority for the persons engaged by contractor, therefore the question of retaining any junior by the management does not arise. The claimants are not entitled to any relief.

A rejoinder to the reply was also filed by the claimant-2 to the reiterate the claim.

It may be seen that the claim regarding the pay parity is not covered in the reference and no dispute, regarding the termination of the services of claimant-2, has been referred for adjudication. Hence compliance of the provisions of Section 25-F and 25-G is not to be considered.

For the purpose of reference following issues arise for consideration:

1. Whether claimant No. 1 i.e. Union is competent to raise the dispute? If not, its effect.
2. Whether contract between the management and the contractor is sham? And whether there exists a relationship of employer and employee between the management and claimant-2?
3. Whether the demand of the Union for regularization of services of claimant-2 is legal and justified?
4. To what relief claimant-2 is entitled?

In support of their case, the claimants examined claimant Anant Ram, Davinder Singh, JE of CPWD and Pritam Lal as witnesses. On behalf of the management, Shri D. S. Sangwan working in the office of Executive Engineer, Karnal Central Division, CPWD, Karnal was examined. Parties relied on certain documents also which shall be referred as and when required.

I have heard the learned counsel for the claimant and carefully perused the entire record as well as written arguments of the parties. My findings on various issues are as follows:

Issue No. 1

Management has resisted the claim on the ground that the Union is not a body recognized by the Government,

hence, it cannot raise the dispute and the reference is liable to be declined on this ground alone. I find the arguments of the management not acceptable for the following reasons.

1. Management has not cited or referred any provisions or rules under which only a trade union recognized by the Government is entitled to raise a dispute.

2. The Central Government itself has referred the dispute for adjudication to this Tribunal mentioning the union as a party.

3. As per definition Clause Section 2(qq) of Act 'Trade Union' means a trade union registered under the Trade Unions Act; and, under Section 36 Sub-Section (1) Clause (a) of the Act, a workman may be represented by any member of the executive or other office bearer of the Registered Trade Union of which he is a member. There is no requirement that the Trade Union must be recognized by the Government to represent a workman.

I see no reason to disbelieve the statement made in the claim petition as well as in the affidavit of the claimant Anant Ram that he is a member of claimant No. 1.

I therefore hold that Union is competent to raise the dispute and reference cannot be declined on the ground that the Union not being a recognized body is not competent to raise the dispute. Issue No. 1 is decided against the management.

Issue No. 2

In the claim statement the employment has been alleged through contractor. But the further case of the claimant is that the contract was sham and claimant No. 2 worked under the complete control of the management and was answerable to the management, he even continued working under different contractors despite the termination of earlier contract, his working was of perennial nature and he was the employee of the management.

The management on the other hand has denied the relationship of employer and employee with the claimant No. 2.

In his cross-examination claimant No. 2 has stated that Mr. Kohli, Junior Engineer had engaged him but he has no document to prove his contention. He admitted that he has no written proof of the fact that he has been disengaged from the service. He admitted that he had not been given any order in writing regarding the job which he was to do. He also admitted that he has no proof to show that the payments were made by the management. Contrary to the statement in the claim petition, that he had been employed through a contractor he stated during cross-examination that he had joined the management's service through his friend named Balwan. The latter was not examined.

The claimants have examined Sh. Devinder Singh, Junior Engineer of the CPWD as their witness. During the period from 26th July, 1996 to 30th September, 2002 he was working at Nilokheri. Instead of supporting the case of the claimant he deposed that the workman had worked through AAR DEE Security for the Department. He was not in a position to say that claimant Anant Ram had worked with him or not, since a number of guards used to come and do the job for the security agency. He however stated that the officers of the Department used to check and supervise whether the guards were doing their duty or not. He also stated that he maintained the register to check the working of the security guard on behalf of the security agency. The guards were paid the wages by the security agency. The misbehavior or absence from duty used to be reported to the security agency. The security guards did not report their attendance to him. It was the contractor who used to supervise the working of the guards.

Another witness Sh. Pritam Lal of the claimant though stated in his affidavit that claimant 2 worked as Chowkidar at Karnal Electrical Division Nilokheri under direct control and supervision of CPWD authority but admitted in his cross-examination that claimant 2 had never worked with him. They were working in different divisions.

The claimants have annexed to the affidavit of claimant 2, certain photocopies purported to be the attendance sheets. And regarding it the claimant 2 in his cross-examination has stated that he had submitted the sheets to show the days he worked but he has admitted that except the two sheets the other sheets do not bear the stamp of the management. Regarding these sheets claimant witness Sh. Devinder Singh J.E. has stated that the sheet of June 1997 does not bear his signature. The names of the guards are also not in his handwriting. From his statement it is clear that some sheets contained his signatures but he has stated that in these statements there are changes which are not in his handwriting. He denied his signatures on certain sheets.

It is important to note that in this regard while disposing of application dated 9th June, 2005 of the claimant 2 the Court in its order dated 1.8.2005 had allowed the workman to produce secondary evidence to prove the document as the management has taken the plea that the workman (claimant 2) in connivance with the union leader has stolen the attendance register from the office and has tempered them by adding his name to prove his employment and the management has lodged an FIR against the workman for having stolen the attendance register and for tempering therewith.

It may be noted that workman has failed to prove the genuineness of the so-called attendance sheet as secondary evidence. Under the circumstances these purported attendance sheets cannot be considered as an evidence of employment.

I do not subscribe to the argument of the learned counsel for the claimants that since the management did not produce the attendance record the presumption must be drawn against it. In this regard he has relied on **Bharat Heavy Electricals Limited Vs. State of UP and others (2003) 6 SCC 528** but the facts and circumstances of this case are different from the aforesaid case. In that case it had been found that an employee of the Department used to maintain the attendance record of the workmen and when dispute arose consequent upon disengagement of workmen he destroyed attendance register at the instance of the Manager of the management. In the instant case the allegation of the management is that record was stolen by the claimant 2 in connivance with union leader and the record of the management were tampered and FIR had been lodged against the claimant 2. In this regard under the circumstances of the case I do not find any justification of drawing any presumption against the management.

Management witness Sh. D.S. Sangwan in his affidavit has stated that CPWD management entered into a contract agreement with the security agency to provide the security guards to the Department under terms and condition set out under the agreement. The Department paid the amount to the Contractor as per the rate agreed under the agreement who was further responsible to pay the wages to the persons engaged by him for the purpose. Copies of agreement were enclosed as Annexure R1 and R2 to the affidavit. Annexure R1 is dated 20.5.1994 and R2 is dated 6.1.1997.

It has been argued by the learned counsel for the claimants that by virtue of engagement of contract labour by the contractor the relationship of master and servant is created between the principal employer and their contract labour. The contractor acts only as an agent. He is a mere camouflage. The contract was only a formality/ruse/sham to circumvent the various provisions of the labour laws. The work of chowkidar is of permanent nature.

Learned counsel has cited various case laws in his written arguments.

As regards the relationship of employer and employee the Hon'ble Supreme Court in **Ram Singh and others Vs. Union Territory Chandigarh and others (2004) 1 SCC 126** held that in determining the relationship of employer and employee, no doubt "control" is one of the important test but is not to be taken as a sole test. All other relevant facts and circumstances are required to be considered including terms and conditions of the contract. It is necessary to take a multiple pragmatic approach weighing up all the factors for and against an employment instead of going by the sole "test of control". An integrated approach is needed. "Integration" test is one of the relevant tests. It is applied by examining whether the person was fully integrated into the employer's concern or remained apart from and independent of it. The other factors which

may be relevant are the powers to select and dismiss, to pay remuneration, deduct insurance contributions, organize the work, supply tools and materials and what are the "mutual obligations" between them.

In the instant case there is no appointment or termination order issued to the claimant 2. There is no evidence to prove that the management ever paid salary or wages to the workman or deduct insurance contributions and there was any mutual obligation between them. There is no evidence to show that claimant 2 has been fully integrated in the management Department.

There is evidence of the existence of a contract agreement between the management and the contractor for supplying the guards. Claimant 2 worked as a guard. Hence, I am of the view that the contract cannot be regarded as sham or camouflage and the claimant 2 is not a employee of the management respondent. Issue No. 2 is decided against the claimants.

Issue No. 3

As it has been held above that the contract between the management of CPWD and their contractor is not sham or camouflage and claimant 2 is not an employee of the management respondent, the demand of the union for regularization of services of claimant 2 is not legal and justified. But even if it is assumed, for arguments sake, that claimant 2 Anant Ram was an employee of the management, still the demand of the union for regularizing his services is not legal and justified in view of the law laid down by the Hon'ble Supreme Court in **Secretary State of Karnataka and others Vs. Uma Devi and others 2006 (4) SCC 1** wherein the apex Court held that there is no fundamental right in those who have been employed on daily wages or temporarily or on contractual basis, to claim that they have a right to be absorbed in service, they cannot be said to be holder of a post, since, a regular appointment could be made only by making appointments consistent with the requirements of Articles 14 and 16 of the constitution.

In the instant case it has not been claimed that claimant 2 has been employed by the management after following the procedure prescribed for regular appointments. The demand of the union for the regularization of the service of claimant 2 Anant Ram, therefore is not legal and justified. Issue No. 3 therefore is decided against the claimants.

Issue No. 4

From the above going discussion it is clear that the claimants have no case. The contract between the management of CPWD and their contractor was not sham and the demand of All India CPWD (MRM) Karamchari Sangathan for the regularization of the service of Sh. Anant Ram, S/o Sh. Nathu Ram, Chowkidar in the organization of CPWD is not legal and justified. The claimants are not entitled to any relief.

The reference is answered against them. Two copies of the Award be sent to Central Government for further necessary action.

ASHOK KUMAR RASTOGLI, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 2011

का.आ.3840.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डबल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 102/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08/12/2011 को प्राप्त हुआ था।

[सं. एल-22012/167/1999-आई आर (सीएम-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 8th December, 2011

S.O.3840.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 102/2000 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, NAGPUR as shown in the Annexure, in the industrial dispute between the management of WCL and their workmen, received by the Central Government on 08/12/2011

[No. L-22012/167/1999-IR(CM-II)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/102/2000 Date: 30.11.2011

Party No. 1 : The Suptd. of Mines, Walni Mines,
WCL

PO: Walni, Tah.: Saoner,
Distt. Nagpur

Versus

Party No. 2 : Shri Tejram Shamrao Wande,
At: Etgaon, Tah.: Parseoni,
Distt. Nagpur

AWARD

(Dated: 30th November, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of WCL and Shri Tejram Shamrao Wande, to

CGIT-Cum-Labour Court Jabalpur for adjudication, as per letter No. L-22012/167/99-IR (CM-II) dated 25.08.1999, with the following schedule:—

"Whether the action of the management of Western Coalfields Ltd. through Suptd. of Mines, Walni Mine, PO: Walni, Tah: Saoner Distt. Nagpur in dismissing services of Sh. Tejram Shamrao Wande, Ex-Employee, Walni Mine of WCLR/o. Etgaon, Tah. Parseoni, Distt. Nagpur w.e.f. 28.02.98 is legal and justified? If not, to what relief is the workman entitled?"

Subsequently the case was transferred to this Tribunal for disposal in accordance with law.

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the workman Shri Tejram Shamrao Wande ("the workman" in short) filed his statement of claim and the management of the WCL ("the Party No. 1" in short) filed its written statement.

The case of the workman as projected in the statement of claim is that he is a workman and party No. 1 is an industry and the provisions of the Act and Industrial Employment (Standing Orders) Act, 1946 are applicable to it and he came to be appointed as a piece rated underground loader in the year 1947 and posted at Walni Mines of WCL and he worked continuously with a clean and unblemished record, but due to heavy workload and unhealthy atmosphere, he contacted with the disease "Tuberculosis" and he was granted special leave from 04.04.1994 to 03.10.1994 and he was under medical treatment for the said disease and was advised by the Medical Suptd. of WCL, Walni Mines to continue his duties w.e.f. 29.10.1994 and as he was suffering from T.B. and the workload in the underground was very heavy, he requested party No. 1 for light job, but party No. 1 did not consider his request for light work and deliberately marked him absent from duties and issued charge sheet dated 20/26-10-1995, on the allegation of absenteeism from duties from December, 1994 onwards without any prior permission and a departmental enquiry was initiated against him and Shri P.H. Nimbalkar was appointed as the enquiry officer, inspite of his written protest against such appointment and the enquiry officer was biased and the enquiry was not fair and not in accordance with the principles of natural justice and the enquiry officer submitted his report holding the charges of absenteeism to have been proved against him to the Suptd. of Mines and the Suptd. of Mines vide letter dated 20.02.1998, sent the copy of the enquiry report to him and on the basis of the report, issued the order of dismissal on 28.02.1998 and the said order is illegal, as the same was issued by the Suptd. of Mines, who is not his appointing authority. It is further pleaded by the workman that on 09.03.1998, he preferred an appeal to the Appellate Authority, but his appeal was

rejected and the findings of the enquiry officer are perverse and therefore, the punishment of dismissal, dated 28.02.1998 based on the said enquiry report is illegal and disproportionate and is liable to be set aside. Prayer has been made by the workman to set aside the order of dismissal dated 28.02.1998 and to reinstate him in service with continuity and full back wages.

3. It is pleaded by the party No. 1 in its written statement *inter-alia* that the workman was appointed as a piece rated loader on 08.04.1975 and not in the year 1974 as alleged and it's have its own Certified Standing Orders and the workman was granted special leave for a period of six months from 04.04.1994 to 03.10.1994 on the recommendations of the company medical officer, as he was suffering from T.B. and even though the workman was declared fit for his duties, he did not join duties and deliberately remained absent and as the workman was declared fit for duties there was no reason for accepting his request to grant him light surface duty and as he remained absent from duty, he was marked absent and as the workman remained absent from duty for a period of one year, it (party No. 1) was constrained to issue charge sheet against the workman for his continuous unauthorized absence and Shri Nimbalkar was appointed as the enquiry officer and the objection of the workman regarding appointment of Shri Nimbalkar was baseless and the departmental enquiry was conducted properly and fairly and in accordance with the principles of natural justice and the workman participated in the enquiry with his co-worker and the workman was again examined by the medical officer and declared fit on 07.06.1996 and even during the course of the 2nd sitting of the enquiry, the enquiry officer advised the workman to join duty but the workman did not join duty and the order of dismissal was issued by the Suptd. of Mines after obtaining the approval of the competent authority and the charges were fully proved and after complying with the procedure of law the workman was dismissed from services by order dated 28.02.1998 and the order of dismissal of the workman is legal and proper and the workman is not entitled for any relief.

4. As this is a case of dismissal of the workman from services after holding a departmental enquiry, the fairness of the departmental enquiry was taken as a preliminary issue for consideration and as per order dated 21.01.2010, the enquiry was held to be proper and legal and in accordance with the principles of natural justice.

5. At the time of argument, it was submitted by the learned advocate for the workman that the workman while working in the underground mine contacted an occupational disease, pneumoconiosis, which is not a curable disease and he underwent medical treatment in the hospital of party No. 1 and he was granted six months of special leave and advice for continuous treatment by the Dy. Chief Medical Officer (N) Jawaharlal Nehru hospital and the Medical

Suptd., Walni hospital recommended six months special leave from 29.03.1994 to 28.09.1994 and recommended and advised to continue his duties w.e.f. 29.11.1994 and from the said fact, it is clear that the medical suptd. was not fair in his advice and he was declared fit for attending his duties, though he was not cured from the disease and the workman demanded light job on surface and he was also going to the worksite daily after the special leave granted to him, but he was marked absent and the absence of the workman was due to his sickness and the punishment of dismissal from service is quite disproportionate and improper.

6. On the other hand, it was submitted by the learned advocate for the party No. 1 that the workman had not taken the plea that he was suffering from Pneumoconiosis till filing of the written statement and for the first time, in the written notes of argument, it was contended that the workman was suffering from pneumoconiosis and not T.B. and such plea has been taken falsely only to mislead the Tribunal and to gain misplaced sympathy and at no point of time, the workman was suffering from occupational disease and the workman was given special leave till 03.10.1994 and the workman was found fit to resume duties, but the workman under the grab of illness, wanted to dictate party No. 1 to provide him the job as per his choice and the workman without obtaining any leave or without any valid reason, started remaining absent from work and there is no iota of evidence to show that the workman was not fit to resume his original duty after 03-10-1994 and only to gain misplaced sympathy, wild allegations have been made against the medical officer and the party No. 1 with an intention to give a chance to the workman, even during the course of enquiry proceedings, asked the workman to join his duties, but he did not join and the act of remaining absent from duty is a major misconduct and because of the misconduct, the work of the management hampers and if sympathy is shown to such workman, it will be difficult for the management to run the mines and the workman is not entitled for any relief. The learned advocate for the management placed reliance on the decisions reported in 2007 (115) FLR-918 (Tata Engineering and Locomotive Company Ltd. vs. Suhan Madhukar Mulay), 2005 (4) Mh. L.J.-881 (L & T Grahak Sahakari Sanstha Mary Adeet, Bombay Vs. Tanaji Kashinath Vishwe) and AIR 2006 SC 2164 (North Eastern Karnataka R.T. Corpn. Vs. A Shappa).

7. So far the perversity of the findings is concerned, it is found that the enquiry officer has based his findings after assessing the evidence on record. The findings are not based on extraneous materials. This is also not a case of no evidence. The enquiry officer has assigned cogent reasons in support of his findings. The findings of the enquiry officer are also not as such that no reasonable man should have reached to such findings.

The contentions that the workman was suffering from Pneumoconiosis, an occupational disease, which is not a curable disease and that the workman was declared fit for attending duties, even though he was not cured from the disease and he was suffering at the relevant time and that he was going to the work place daily after the special leave granted to him, but he was marked absent, despite the receipt of the application submitted by the workman cannot be taken into consideration, in absence of such pleadings in the statement of claim and in view of the specific pleadings in the statement of claim that the workman was suffering from T.B. and he was cleared fit to resume duty w.e.f. 29.10.1994.

From the materials on record, it is found that the findings of the enquiry officer are not perverse.

8. Before considering the proportionality of the punishment, I think it proper to mention the principles enunciated by the Hon'ble Apex Court in the decisions cited by the learned advocate from the party No. 1.

In the decision reported in 2007 (115) FLR 918 (Supra) the Hon'ble Apex Court has held that:—

Industrial Disputes Act, 1947—Section 11-A—Dismissal from service—For misconduct of unauthorized absence—Labour Court concluded that misconduct was proved against workman—But opined that absence from duty cannot be considered as a major misconduct warranting dismissal from service—Labour Court under section 11-A exercised discretion and held the workman entitled to be reinstated with continuity of service—Committed error—Has unsuccessfully interfered with punishment—Order of Labour Court set aside.

The Supreme Court has held that the Labour Court should not normally interfere with the quantum of punishment imposed by the employer unless an appropriate case is made out. In this case, I find that the Labour Court has unnecessarily interfered with the punishment imposed by the company. This was a case of chronic absenteeism and there was no reason to condone the behaviour of the workman when he chose to remain absent time and again.

The Labour Court under section 11-A must be exercised on considerations germane to the jurisdiction of the Court.

The discretion must be exercised having regard to the facts and circumstances of each case.

In the decision reported in AIR 2006 SC 2164 Supra) the Hon'ble Apex Court have held that:—

Industrial Disputes Act (14 of 1947), S. 11-A—Proportionality of punishment—Misconduct—Bus conductor remained absent only for period of more than 3 years—But also remained unauthorisedly absent on several occasions—Misconduct committed cannot be treated as Minor—For running buses, service of conductor is imperative and no employer running a fleet of buses can

allow an employee to remain absent for a long time—Punishment of dismissal—Not disproportionate—Cannot be substituted with reinstatement.

9. In this case, it is clear from the materials on record that the workman was found fit for joining his duties w.e.f. 29.10.1994 and the request of the workman to give him light work was not acceded to by the party No. 1, but the workman did not join duties on 29.10.1994 and remained absent. The workman himself in his evidence has admitted that after he was cured, he had gone to WCL hospitals for checkup and a fitness certificate was given to him to resume duties w.e.f. 29.10.1994 and he did not resume duty on 29.10.1994 and thereafter he did not work in the mines. The workman has also admitted in his evidence that on 07.06.1996, he was again examined at J.N. hospital, WCL and on 07.06.1996 again a fitness certificate was given to him to join his duties, but he did not join duty and he had not filed any application to the management after 07.06.1996 that false fitness certificate had been given to him and during the enquiry he was asked by the management to join underground duty, but he did not join duty. The workman did not produce any evidence during the enquiry to show that he was not fit to work underground or that the fitness certificates given by the doctors were not true. It is clear from the materials on record that grave misconduct of remaining unauthorized absent from duties has been proved against the workman in a properly held departmental enquiry. Keeping in view the materials on record and the principles enunciated by the Hon'ble Apex Court in the regard to unauthorized absence from duty in the decisions as mentioned above, there is no scope to interfere with the punishment imposed against the workman. Hence, it is ordered:—

ORDER

The action of the management of Western Coalfields Ltd. through Suptd. of Mines, Walni Mine, PO: Walni, Tah.: Saoner Distt. Nagpur in dismissing services of Sh. Tejram Shamrao Wande, Ex-Employee, Walni Mine of WCL R/o. Etgaon, Tah. Parseoni, Distt. Nagpur w.e.f. 28.02.98 is legal and justified. The workman is not entitled to any relief.

J.P. CHAND, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 2011

का.आ.3841.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डबल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 260/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08/12/2011 को प्राप्त हुआ था।

[सं. एल-22012/40/2000—आई आर (सी एम-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 8th December, 2011

S.O.3841.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 260/2000 of the Cent. Govt. Indus. Tribunal-cum-Labour Court, NAGPUR as shown in the Annexure, in the industrial dispute between the management of WCL, and their workmen, received by the Central Government on 08/12/2011

[No. L-22012/40/2000-IR (CM-II)]

D.S.S. SRINIVASARAO, Desk Officer

ANNEXURE

**BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/260/2000

Date: 25.11.2011.

Party No. 1 : The Sub Area Manager,
M/s. Western Coalfields Ltd.,
Dhoptala Sub Area, Po: Sasti, Tah-
Rajura, Distt. Chandrapur (M.S.)

Versus

Party No. 2 : Shri Lomesh Maroti Khartad,
President, National Colliery Workers
Congress, Ambedkar ward,
Ballarpur, Tah. & Distt. Chandrapur
(M.S.)

AWARD

(Date: 25th November, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of State Bank of India and Shri, for adjudication, as per letter No. L-22012/40/2000-IR (CM-II dated 24.08.2000, with the following schedule:—

"Whether the action of the management namely by Sub-Area Manager, Dhoptala Sub Area Opencast of WCL, PO: Sasti Tah.: Rajura, Distt. Chandrapur in not providing employment to Smt. Laxmi Mahurwar widow of late Sh. Shankar Mahurwar as dependent is legal, proper and justified? If not, to what relief the workman is entitled and from which date? What other directions are necessary in the matter?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the union "National Colliery

Workers Congress", ("the union" in short) filed his statement of claim and the management of WCL (here-in-after referred to as the "Party No. 1") filed its written statement.

The case of the petitioner as project in the statement of claim is that Shankar Mahurwar, the deceased husband of the petitioner was appointed on 06.11.1990 as a Badli General Mazdoor in category-I in Dhoptala Opencast Mine of Ballarpur Area and he worked as such till 23.07.1996 and he was hospitalized on 24.07.1996 for treatment of serious viral infection in the abdomen, but he did not survive and died on 24.07.1996 it self in Government Hospital, Chandrapur and deceased Shankar had worked for more than 240 days for the period from 06.11.1990 to 05.11.1991 and thereby became entitled to be made permanent as per the provisions of the Act and Model Standing orders and after the death of her husband, the petitioner applied for her employment as per the provisions of National Coal Wages Agreement ("NCWA" in short), but no heed was paid to her application and the union, "Koyala Shramik Sabha" had raised many demands before the Dy. Regional Manager, Dhoptala vide letter dated 18.11.1996 including the claim of the petitioner for employment as item No. 9 and in the meeting held on 15.03.1997, the General Manager, Ballarpur Area declined to give employment to the dependent of Badli worker and thereafter, the issue was raised before the competent authority of the Headquarters but without any result, so the union raised the dispute before the ALC and ultimately, the dispute was referred by the Central Government for adjudication.

Prayer has been made by the union to direct the management to provide employment to the petitioner with restrospective effect with full back wages, fringe benefits and consequential benefits.

3. It is pleaded *inter-alia*- by the party No. 1 in the written statement that the union has raised the present dispute without having any locus standi as the union can raise only dispute or any member of the union and the petitioner is not a member of the union and under the constitution of the union, an employee of the coal mines can only become member of the union and late Shanker Mahurwar was appointed as Badli General Mazdoor Category-I vide letter dated 06.11.1990 and posted at Dhoptala opencast mine and on submitting joining report, he was sent for medical examination and on declaring medically fit, he was given training from 17.12.1990 to 23.12.1990 and futher, he was given job training for six days w.e.f. 31.12.1990 and as per "B" Form Register, the period of employment of Late Shankar is 31.12.1990 to 23.07.1996 and Shankar expired on 24.07.1996 and the late Shankar was irregular in his service and his attendance during 1991, 1992, 1993, 1994, 1995 and 1996 was 223, 106, 185, 186, 174, and 92 days respectively and under the Mining Lagislations, a person has to work for 190 days in the underground and 240 days on surface to become

eligible for regularization and as Late Shankar was deployed on surface, he was required to put 240 days attendance to become eligible for regularization, but he had never completed 240 days of attendance during his entire service period, for which his service was never regularized.

It is further pleaded by the party no. 1 that the present dispute is regarding compassionate appointment and compassionate appointment cannot be claimed as a matter of right and in coal mines, the provisions for granting compassionate appointment is provided under NCWA and the provision of NCWA are applicable only to regular and permanent employees of the coal mines and temporary, casual and badli employees are not entitled to get the benefits of compassionate appointment as provided for under the NCWA and as the late Shankar was a Badli worker at the time of his death, his dependents are not entitled to compassionate appointment and when the petitioner raised the dispute, she was intimated that her claim for compassionate appointment cannot be considered as late Shankar was a Badli worker and after the death of late Shankar, his family had sustained itself for more than four years and such, the family is dis-entitled for compassionate appointment and passage of time itself is a determining factor, which disentitles a person from claiming compassionate appointment and as such, the petitioner is not entitled for any claim.

4. In the rejoinder, it is pleaded by the union as behalf of the petitioner that the union is a registered union and is operative in the coal industry and deceased Shankar was kept in forced idleness and the days of such forced idleness is required to be taken into consideration while calculating his attendance and at the time of the death of Shankar, NCWA V was in force and according to para 9.3.0, one of the dependants of a worker is entitled for employment, who dies while in service and para 9.5.0 of NCWA provides employment/monetary compensations to female dependents and the claim of the petitioner for appointment is not a claim on compassionate ground, but as a matter of right in terms of the provisions of NCWA and the settlement dated 02.11.1992 entered into between management of WCL and their workmen represented by the union, INTUC and all the workers are entitled to get the benefit of the provisions of the NCWA.

5. Both the parties have adduced oral evidence in support of their respective claim, besides placing reliance on documentary evidence. The union has examined the petitioner as a witness in support of the claim. Shri I.M. Chandak, the Personnel Manager of Dhoptala Sub Area has been examined as a witness by the party no. 1. The evidence of the petitioner and the witness for the party No. 1 is in the same line of the respective stands taken in the statement of claim and written statement.

The witness for the party no. 1 has admitted in his cross-examination that the provisions of NCWA are binding

to WCL and coal industry and in NCWA, there is no provision of giving employment on compassionate ground and the dependents are given employments on the basis of the agreement and there is no provision in NCWA IV, V and VI that in case of death of Badli worker, has dependent will not be provided with employment.

6. At the time of argument, it was submitted by the learned advocate for the petitioner that the union is a registered union and the union is entitled to raise the dispute on behalf of the dependent of late workman Shankar and the appointment of late Shankar was made as a Badli worker and he was eligible for regularization after completion of 240 days of work in 12 calendar months and the workman was kept under forced idleness and there is no force in the contention made by the party no. 1 that late Shankar was a habitual absentee, as not a single document has been filed in support of such claim and the petitioner has claimed employment on the basis of the provisions of the NCWA and the settlement between the WCL and its workmen and not on compassionate ground and there is no bar in the NCWA or in the Certified Standing Order of WCL for providing employment to the dependents of a Badli worker and as such, the action of the party no. 1 in not providing the petitioner employment on the ground that her husband was a Badli worker is not sustainable and as such, the petitioner is entitled for employment.

In support of such contentions, reliance has been placed by the learned advocate for the petitioner on the decisions reported in 1993 (I) BLJ- 52 (M/s. BCCL Vs. Their Workmen), 1995 (II) LLJ - 1203 (Panchu Mahato Vs. P.C. Mahanti), AIR 1986 SC-458 (Workmen of American Express International Banking Corporation Vs. Management of American Express International Banking Corporation), 2002 (4) MH. LJ-801 (Pankaj Vs. Bank of Maharashtra), 1984 4-SCC-392 (Workmen employed by Hindustan Lever Ltd. Vs. Hindustan Lever Ltd.), 2004 I-CLR-872 (Panyanm Cement Employees Union Vs. Commissioner of Labour Hyderabad), (1979) 3 SCC-762 (Pottery Mazdoor Panchayat Vs. Perfect Pottery Co. Ltd.), (2000) 6-SCC-493 (Balbir Kaur vs. Steel Authority of India Ltd.), 2007 AIR SCW-1169 (National Institute of Technology Vs. Niraj Kumar Singh) and 2007(115) FLR-427 (Mohan Mahato Vs. M/S. Central Coalfields Ltd.)

7. Per contra, it was submitted by the learned advocate for party no. 1 that the union has no locus standi to raise the present dispute and deceased Shankar Mahurwar, the husband of the present petitioner was employed as a General Badli Mazdoor from 31.12.1990 to 23.07.1996 and he expired on 24.07.1996 and the services of the late Shankar was not regularized, as he did not complete 240 days of attendance in any year and he remained as Badli worker till his death and as temporary, casual and Badli worker are not regular employees of the coal mines, they

are not entitled to get the benefits of compassionate appointment as provided under the NCWA. It was further submitted that compassionate appointment cannot be claimed as a matter of right and such appointment is granted to tide over the functional hardship of the family and it can be granted only, if there is a specific provision provided for the same and as there is no specific provision for providing the benefit of compassionate appointment to the family of a Badli worker and as the family of late Shankar sustained for more than 4 years, after the death of Shankar, the petitioner is not entitled for compassionate appointment. In support of such contentions, reliance has been placed on the decisions reported in AIR 1993 SC-2276 (Ratanchandra Samanta Vs. Union of India), 2002 (93) FLR-179 (The Range Forest Officer Vs. S.T. Hadimani), 1996 I.L.L.J.- 1127 (Union of India Vs Bhagwan Singh), (2011) LAV I.C.- 593 (Pawan Kumar Yadav Vs. State of Uttar Pradesh), 2005 II. L.L.J.-161 (Karnataka State Road Transport Corporation Vs. S.G. Kotturappa) and 2009 (17) SCC-473 (Bangalore Metropolitan Transport Corporation Vs. T.V. Annandappa).

8. Keeping in mind the principles enunciated by the Hon'ble courts in the decisions cited by the parties, the present case at hand is to be considered.

9. So far the first contention regarding the union having no authority to raise the dispute on behalf of the petitioner is concerned, it is found from the pleadings of the parties and that the union had raised the dispute before the ALC on behalf of the petitioner and the Central Government has referred the matter for adjudication and the provision of section 36(3) of the Act that the union is competent to raise the dispute.

10. Admittedly, compassionate appointment is not a matter of right. However, this is not a case of providing employment to the petitioner on the ground of compassionate appointment. The petitioner has claimed employment on the basis of the provisions of NCWA, which are binding on the party no. 1. Moreover, the prayer of the petitioner to give her employment was rejected by party no. 1 on the ground that her husband was a Badli worker and that the provisions of NCWA are not applicable to Badli worker and not on any other ground including the ground of compassionate appointment. Hence, it is held that there is no force in the contention raised by the learned advocate for the party no. 1 that the petitioner is not entitled for employment as family of the late Shankar sustained four years after the death of Shankar.

11. It is clear from the pleadings of the parties, evidence on record and the submissions made by the learned advocates for the parties that the claim of the petitioner to give her employment was rejected by the party no. 1 only on the ground that she being the dependent of a Badli worker is not entitled for employment. So, the only point for consideration is whether the dependent of a Badli

worker is entitled for employment as per the provisions of NCWA.

12. The appointment of deceased Shankar on 31.12.1990 as a Badli General Mazdoor and that he worked till 23.07.1996, and died on 24.07.1996 has not been disputed by the parties. NCWA-IV was in force when late Shankar was appointed. Likewise, NCWA-IV was in operation at the time of the death of Late Shankar. It is also not disputed that there were provisions in NCWA-IV, V, & VI for giving employment to the dependents of a worker who dies while in service. As on the date of death of Shankar, NCWA-IV was in force, it is necessary to consider as to whether the petitioner is entitled for employment as provided in NCWA-IV.

The relevant portion of clause 9.5 of NCWA-VI, which is respect of giving employment. Monetary compensation to female dependent of workmen, who dies while in service and who are declared medically unfit as per clause 9.4.0 above would be regulated as under:

(i) In case of death due to mine accident, the female dependent would have the option to either accept the monetary compensation of Rs. 3000/- per month or employment irrespective of her age.

(ii) In case of death/total permanent disablement due to causes other than mine accident and medical unfitness under clause 9.4.0, if the female dependent is below the age of 45 years, she will have the option either to accept the monetary compensation of Rs. 3000/- per month of employment.

In case the female dependent is above 45 years of age, she will be entitled only to monetary compensation and not to employment.

It is clear from the above clause that a female dependant of a workman is entitled to employment or monetary compensation if the workman dies while in service. The specific word mentioned in the said clause is "workman" and nothing else. It does not specify the category of workman. It also does not say that dependant of Badli workman are not entitled for the benefit of the same. It also does not provide that dependents of Badli worker, who had not done 190/240 days of work in any calendar year, are not entitled to get the benefit of the provision.

Now, it is to be considered as to whether a Badli worker is a workman or not. NCWA-IV does not have any such definition. It is admitted by the parties that the provisions of certified standing orders of the WCL were applicable to deceased Shankar. The certified standing orders provide the definition of "Workman". In section I of the said standing orders (Commencement and Application), it is mentioned that it shall apply to all workman employed in all units of M/S. Western Coalfields

Limited situated in different place in the country which come within the definition of Industrial Employment (Standing Orders) Act, 1945 and include all workmen governed by the National Coal Wage Agreement, Section 3.1 of the said Standing Orders provides the classification of workman for the purpose of the Standing Orders. The Same reads as follow:

- (a) Apprentice
- (b) Badli or Substitute
- (c) Casual
- (d) Permanent
- (e) Probationer
- (f) Temporary

The above classification shows that the Badli or Substitute employee is also a workman.

When there is no bar either in the NCWA or in the Certified Standing Orders to give the benefit of clause 9.5.0. of the NCWA-IV to dependant of Badli workman (whether he had done 194/240 days of work in any calendar year or not), the decision of the party no. 1 that the petitioner is not entitled for employment is not justified. Hence, it is order:—

ORDER

The action of the management namely Sub Area Manager, Dhoptala Sub Area Opencast of WCL, PO: Sasti Tah: Rajura, Distt. Chandrapur in not providing employment to Smt. Laxmi Nahurwar widow of late Sh. Shankar Mahurwar as dependent is illegal, improper and unjustified. The petitioner Laxmi Mahurwar is entitled for employment in accordance with the provisions of the NCWA in force at present. The party no. 1, Sub Area Manager, Dhoptala Sub Area Opencast of WCL is directed to give employment to the petitioner in accordance with the provisions of NCWA and other rules as applicable within a month of the publication of the award. The petitioner is not entitled to get any benefit from 18.12.1996 till the date of her employment, as claimed in the statement of claim.

J.P. CHAND, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 2011

का.आ. 3842.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 85/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-12-2011 को प्राप्त हुआ था।

[सं. एल-22012/155/2002-आई आर(सीएम-II)]

डी.एस.एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 8th December, 2011

S.O.3842.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 85/2003 of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, Jabalpur* as shown in the Annexure, in the industrial dispute between the management of *South Eastern Coalfields Limited*, and their workmen, received by the Central Government on 08/12/2011

[No. L-22012/155/2002-IR(CM-II)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

No. CGIT/LC/R/85/2003

PRESIDING OFFICER: SHRI MOHD. SHAKIR HASAN

Shri Ram Vilas Shobhnath,
General Secretary,
Chhattisgarh Khadan Kharkhan Mazdoor Union,
Village & PO Bankimongra,
Distt. Korba, Chhattisgarh Workman

Versus

Dy. General Manager,
South Eastern Coalfields Limited,
Dhelwadih Project,
PO Katghora, Distt. Korba,
Chhattisgarh Management

AWARD

Passed on this 22nd day of November 2011

1. The Government of India, Ministry of Labour vide its Notification No.L-22012/155/2002-IR(CM-II) dated 8-5-2003 has referred the following dispute for adjudication by this tribunal:-

"Whether the demand of the Chhattisgarh Khadan Kharkhana Mazdoor Union from the management of SECL, Dhelwadih for giving promotion to Shri Sadhuram, Storemate to the category of Store Keeper-I (Clerical Gr. I) is legal and justified? If not, to what relief is the workman concerned entitled and from what date?"

2. The case of the Union/workman in short is that the workman Shri Sadhuram was appointed as General Mazdoor Cat-I on 8-6-1973 and was promoted vide office order dated 25/3/91 as Store Mate on the pay of Mazdoor Cat-IV in Dhelwadih Project of SECL. He was not being giving promotion since 25-5-91. It is stated that in the Coal Mining Industry Store issue clerk/Store mate is a clerical Grade III post and in the cadre scheme, the educational

qualification will not be bar for promotion of the existing employees upto the post of Store keeper clerical Grade I. In the grading and nomenclature of All India Industrial Tribunal (colliery disputes) Award at Schedule XVI the storekeeper/storemate is also placed as clerical Grade III employee. It is stated that his works were to issue materials and collections, to work as storekeeper, to issue requisition, to prepare vouchers etc. It is stated that the workman filed application for promotion but the management did not consider the same. It is stated that the workman is entitled to get the pay scale of storekeeper on monthly basis and is entitled to be promoted to Grade I of Storekeeper on the basis of seniority.

3. The management appeared and filed written Statement to contest the reference. The case of the management inter alia, is that the workman was an employee of daily Wages Category IV employee and there is no provisions for promotion in the cadre scheme to Mate Cat-IV. He has been given the benefit of S.L.U. Cat V w.e.f. 1-1-2000. It is stated that the workman if working in store as mate and therefore he has been known as storemate. He does not have matriculate qualification and is working as Daily wages workman and therefore he is not entitled to be promoted to the post of grade III of store Cadre. Admittedly initially he was appointment as a General Mazdoor Cat-I and was promoted upto Cat-IV. It is stated that there is no post of Storemate in the cadre Scheme of the Industry and he did not do work of Issue clerk of Store. It is submitted that there is no merit in the claim and the reference be answered in favour of the management.

4. On the basis of the pleadings of the parties, the following issues are for adjudication-

I. Whether Storemate is a cadre post of storekeeper of the management of SECL?

II. Whether the demand of the Union from the management for giving promotion to the workman to the Category fo Store Keeper-I (Clerical Gr. I) is legal and justified?

III. To what relief the workman is entitled?

5. The Union appeared in the case and filed statement of claim and documents. The documents are annexure W/1 to W/25. The management has also relied the documents filed by the Union in his oral evidence which are deemed to be admitted. The relevancy of those documents are to be dealt at later stage. However subsequently the Union/workman became absent and the then Tribunal proceeded the reference exparte against the Union on 10-5-04.

6. Issue No. I

Now the important question is as to whether Storemate is a cadre post of storekeeper cadre and whether the workman was holding the post of storemate. The management has examined one witness namely Shri G.L.N.

Durga Prasad who is Personnel Manager at Dhelwadih project of SECL, Distt. Kobra, Chhattisgarh. He has stated at Para-6 that the service conditions of the employees working in Coal Industry are governed by various settlements, generally known as NCWA. The said settlement includes cadre scheme for promotion for all cadre, classification of employees, pay scale, job nomenclature etc. The cadre Scheme for ministerial staff Stores Personnel Cadre have been circulated Vide II No. 34 annexure VII of NCWA. A copy of the management is marked as Exhibit M/1. He has admitted that the same copy is filed which is Annexure W/3.

7. Now let us examine Annexure W/3 which is appendix, VI. This appendix deals clerical staff grading and nomenclature. This document clearly shows that Stores Issue clerks/Storemates Grade III are in Store Cadre. This clearly shows that there is a post of Storemate equivalent to Store issue Clerk in the Cadre Scheme of Store keepers. Exhibit M/1 shows the pay scale of the Store cadre. This further shows that educational qualification will not be a bar for promotion of the existing employees upto the post of Store keeper Clerical Grade I from Store Issue clerk Grade III. Thus the pleading of the management, that there is no nomenclature of store keeper cadre, is not substantiated rather it proves that storemate is equivalent to Store Issue clerk in the storekeeper cadre and for promotion upto Storekeeper Clerical grade-I the educational qualification is no bar. The management witness at para-7 has also admitted that educational qualification is no bar for promotion up to store cadre clerical Grade-I.

8. The management witness Shri Prasad has further admitted that initially the workman was appointed in Bangi colliery as General Mazdoor Category I w.e.f. 18-6-73. He has stated that the workman vide order dated 25-3-91 was made as general mazdoor cat-IV as daily wages employee. The said order is filed by the Union and is marked as Exhibit W/6. This document appears to have been admitted by the management in his evidence at para-6. Now let us examine Exhibit W/6 filed by the Union. Exhibit W/6 shows that it is an office order whereby the workman was promoted as Store Mate Cat-III by the Departmental Promotion Committee (in short DPC) with immediate effect. It also shows that he was on probation for six months and there was condition that if he was not found satisfactory, he might be reverted back to his principal post. This office order (Exhibit w/6) clearly shows that he was selected in the Store Cadre by the DPC but he was given daily rated pay when there was no provision for daily rated pay of store mate, Cat-III who was equivalent to Store issue clerk. This shows that he was entitled the scale of pay of Store Issue Clerk from the date of selection in Store Cadre. Thus it is established that storemate is a cadre post of Store keeper equivalent to Store Issue Celrk. This issue is decided in favour of the workman and against the management.

9. Issue No. II

On the basis of the discussion made above, it is clear that the workman was selected by the DPC as Storemate, Cat-III in the cadre of Storekeeper on 25-3-91 and storemate is equivalent to the post of Store Issue Clerk, clerical Gr. III. It is an admitted fact that for promotion to store Keeper clerical Gr. I from Store Issue Clerk Gr. III educational qualification will not be a bar. This shows that the workman is entitled to be promoted in the store cadre as has been provided in the scheme. This issue is, therefore, decided in favour of the workman and against the management.

10. Issue No. III

It is evident that the demand of the union from the management for giving promotion to the workman to the Category of Store keeper-I is legal and justified as the workman was selected in the Storekeeper Cadre by the DOC where qualification is no bar. As such he is entitled to be counted his seniority from the date of his selection in the cadre i.e. from 25-5-91. The management is, directed to promote the workman on the post of Asstt. Store Keeper (Clerical Gr. II) and thereafter Storekeeper, clerical Gr. I whenever his promotion is due on the basis of his seniority from 25-5-91 in the Store Cadre and to pay the difference of the pay and allowance accordingly within two months from the date of award. The reference is accordingly answered.

11. In the result, the award is passed without any order to costs.

12. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

MOHD. SHAKIR HASAN, Presiding Officer
नई दिल्ली, 12 दिसम्बर, 2011

का.आ.3843.—भारतीय रेल अधिनियम, 1989(1989 का 24) की धारा 136 के अन्तर्गत, रेल कर्मचारी(कार्य के घण्टे और आराम की अवधि) नियम, 2005 के नियम 4(2) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा श्री चन्द्र प्रकाश, संयुक्त सचिव को उपर्युक्त नियम के अन्तर्गत अपील सुनने के लिए श्रम एवं रोजगार मंत्रालय में अपीलीय प्राधिकारी के तौर पर अधिसूचित करती है। यह सरकारी राजपत्र में प्रकाशन की तिथि से प्रभावी होगा।

[फ.सं. जेड-20025/06/2006-सीएलएस-1]

बाबू चेरियन, उप-सचिव

New Delhi, the 12th December, 2011

S.O.3843.—in exercise of power conferred by Rule 4(2) of Railway Servants (Hours of Work Period of Rest) Rules, 2005 under Section 136 of the Indian Railway Act, 1989 (24 of 1980), the Central Government hereby notifies

Shri Chandra Prakash, Joint Secretary in the Ministry of Labour & Employment as Appellate Authority to hear Appeals under the said Rules. This will take effect from the date of its publication in the Official Gazettee.

[F.No. Z-20025/06/2006-CLS.I]

BABU CHERIAN, Dy. Secy.

नई दिल्ली, 12 दिसम्बर, 2011

का.आ.3844.—जबकि मैसर्स बी.जी. एक्सप्लोरेशन एण्ड प्रोडक्शन इंडिया लिमिटेड [कोड संख्या टीएनएच/42981ए थाणे क्षेत्र के अंतर्गत] (एतदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (एतदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उपधारा (1) के खण्ड (क) के अंतर्गत छूट हेतु आवेदन किया है।

2. और जबकि केन्द्रीय सरकार की राय में, उक्त प्रतिष्ठान के भविष्य निधि संबंधी नियम अंशदान की दरों के संबंध में उक्त अधिनियम की धारा 6 में विनिर्दिष्ट कर्मचारियों से कम अनुकूल नहीं है तथा कर्मचारी इसी प्रकार के किसी अन्य किसी प्रतिष्ठान में कर्मचारियों के संबंध में उक्त अधिनियम के अंतर्गत अथवा कर्मचारी पेंशन निधि योजना, 1952 (एतदुपरान्त योजना के रूप में संदर्भित) के अंतर्गत प्रावधान किए गए भविष्य निधि संबंधी अन्य लाभों से भी लाभान्वित हो रहे हैं।

3. अतः, अब केन्द्र सरकार, उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस संबंध में समय-समय पर विनिर्दिष्ट शर्तों के अध्याधीन दिनांक 01-02-2009 से अगली अधिसूचना जारी होने तक एतद्वारा उक्त प्रतिष्ठान को उक्त योजना के सभी उपबंधों के प्रचालन से छूट प्रदान करती है।

[सं. एस-35015/20/2010-एसएस-11]

सुभाष कुमार, अवसर सचिव

New Delhi, the 12th December, 2011

S.O.3844.—Whereas M/s B.G. Exploration and Production India Limited [under Code No. TNH/42981 in Thane Region] (hereinafter referred to as the establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the provisions of the said Scheme with effect from 01.02.2009 until further notification.

[No. S-35015/20/2010-SS-II]

SUBHASH KUMAR, Under Secy.

नई दिल्ली, 14 दिसम्बर, 2011

का.आ.3845.—केन्द्रीय सरकार संतुष्ट हो, जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना संख्या का.आ. दिनांक 15-06-2001 द्वारा लोह अयस्क खनन उद्योग जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 16 में शामिल है, का उक्त अधिनियम के प्रयोजनों के लिए दिनांक 18^ण 06^ण2011 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया गया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की ओर कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः, जब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 18-12-2011 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फ. सं. एस-11017/13/97-आईआर(पी.एल.)]

चन्द्र प्रकाश, संयुक्त सचिव

New Delhi, the 14th December, 2011

S.O.3845.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour and Employment, dated 15.06.2011 the service in the **Iron Ore Mining Industry** which is covered by item 16 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a Public Utility Service for the purpose of the said Act, for a period of six months from the 18th June 2011.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a Public Utility

Service for the purposes of the said Act, for a period of six months from the 18th December, 2011.

[F. No. S-11017/13/97-IR(PL)]

CHANDRA PRAKASH, Jt. Secy.

नई दिल्ली, 15 दिसम्बर, 2011

का.आ.3846.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि ----- यात्रियों अथवा सामान की दुलाई के लिए (भूमि अथवा जल द्वारा परिवहन (रेलवे के अलावा) ----- में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 1 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फ. सं. एस-11017/1/2009/आईआर (पी.एल.)]

चन्द्र प्रकाश, संयुक्त सचिव

New Delhi, the 15th December, 2011

S.O. 3846.—Whereas the Central Government is satisfied that the public interest requires that the services in the **Transport (other than Railways) for the Carriage of passengers or goods (by land or water)** which is covered by item 1 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a 'Public Utility Service' for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a 'Public Utility Service' for the purpose of the said Act for a period of six months.

[F. No. S-11017/1/2009-IR (PL)]

CHANDRA PRAKASH, Jt. Secy.

नई दिल्ली, 19 दिसम्बर, 2011

का.आ.3847.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा करना अपेक्षित है कि भारतीय रिजर्व बैंक नोट मुद्रण लिमिटेड, मैसूर (कर्नाटक) एवं सालबोनी (पश्चिम बंगाल) में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 25 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम

के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फ. सं. एस-11017/2/96-आई आर (पी.एल.)]

चन्द्र प्रकाश, संयुक्त सचिव

New Delhi, the 19th December, 2011

S.O. 3847.—Whereas the Central Government is satisfied that the public interest requires that the services in the **Bhartiya Reserve Bank Note Mudran Limited, Mysore (Karnataka) and Salboni (West Bengal)** which is covered by item 25 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a 'Public Utility Service' for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares **with immediate effect the said industry to be a 'Public Utility Service' for the purpose of the said Act for a period of six months.**

[F. No. S-11017/2/96-IR (PL)]
CHANDRA PRAKASH, Jt. Secy.

नई दिल्ली, 19 दिसम्बर, 2011

का.आ. 3848.—केंद्रीय सरकार संतुष्ट है कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (इ) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना संख्या काण आप दिनांक 20-6-2011 द्वारा ईंधन गैसों (कोयला गैस, प्राकृतिक गैस और ऐसी अन्य) के प्रसंस्करण एवं उत्पादन में लगे उद्योग में सेवाओं को जोकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 29 में शामिल है, को उक्त अधिनियम के प्रयोजनों, के लिए दिनांक 20-6-2011 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केंद्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की ओर कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः, अब, औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 2 के खण्ड (इ) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 20-12-2011 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फ. सं. एस-11017/2/2003-आई आर (पी.एल.)]

चन्द्र प्रकाश, संयुक्त सचिव

New Delhi, the 19th December, 2011

S.O. 3848.—Whereas the Central Government having been satisfied that the public interest requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour & Employment, dated 20-06-2011 the service in the industry engaged in the **Processing or Production of Fuel Gases (Coal Gas, Natural Gas and the like)** which is covered by item 29 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a **Public Utility Service** for the purpose of the said Act, for a period of six months from the 29th June 2011.

And whereas, the Central Government is of opinion that public interest requires the extension of the said by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a **Public Utility Service** for the purposes of the said Act, **for a period of six months from the 29th December, 2011.**

[F. No. S-11017/2/2003-IR (PL)]
CHANDRA PRAKASH, Jt. Secy.